BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

John Kline,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2017-2621072
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

Exceptions of Complainant John Kline
To the initial decision of Administrative law Judge
Elizabeth H. Barnes Issued on August 16, 2018

John Kline
5611 Stradford Drive
Harrisburg, Pa 17112
Pro Se Complainant

September 5 2018

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I. INTRODUCTION

Pursuant to Section 5.533 of the Commission's regulations, 52 Pa. Code § 5.33, Complainant John Kline hereby submits these Exceptions to the Initial Decision of Administrative Law Judge Elizabeth H. Barnes issued on August 16 2018 ("Decision").1 In her Decision, ALJ Barnes erred in concluding that Complainant had not carried his burden of proving that the plan by respondent PPL Electric Utilities Corporation ("PPL") to expose Complainant to radiofrequency electromagnetic energy ("RF") by means of an RF-emitting smart meter installed on his property against his wishes is neither "safe" nor "reasonable" within the meaning of 66 Pa.C.S. § 1501. ALJ Barnes also erred in rejecting Complainant's claim that PPL's plan, if permitted by the Commission, would violate the Constitution of the Commonwealth of Pennsylvania.

This case concerns forced exposure to electromagnetic energy in the range known as radiofrequency ("RF") and at strengths comparable to a cell phone. John Kline contends that recent credible scientific research strongly suggests that RF exposure at the very least *could* cause his family harm and that he has eliminated other RF exposure in their life to the greatest extent possible and has the ability to safeguard himself from current RF exposure but the installation of the smart meter would make it impossible to safeguard since it is active 24 hours a day and cannot be shut off. Under all these circumstances it would be unsafe and unreasonable under Section 1501 to force him to accept an RF-emitting device installed at his property. I have a right to protect myself and property according to the statutes of Pennsylvania Title 18 - CHAPTER 5 - GENERAL PRINCIPLES OF JUSTIFICATION § 507 paragraph (e)

The issue of smart meter safety involves a complex scientific subject. John Kline and PPL through their attorneys and expert witnesses hardly did it justice in the time allotted. Also, with utmost respect, neither the ALJ nor the Commission is equipped to decide either the scientific issues about the health risks of RF exposure in general any Complainant's individual health issues. For these reasons—relating to the complexity of the science and the need to get it right on a subject that could seriously affect the health of Complainant —the Commission should be loath to weigh in on the scientific issue of whether RF exposure can possibly cause harm to Complainant. It would be prudent, and well within the Commission's authority, to refrain from deciding the causation issue on the grounds that there is no definitive scientific answer and to defer to the judgment of the Health Department. If so, the Commission should decide that, under the circumstances, it would be at the very least unreasonable under Section 1501 to force John Kline to accept RF exposure over his

objection and against the overwhelming evidence that has been presented.

If the Commission elects to decide the scientific issue of whether RF exposure can possibly cause harm to John Kline or his family, then it should decide based on the NTP report and all other evidence presented by John Kline that there is at least the possibility of harm to him from RF exposure, and that forcing Mr. Kline to accept a smart meter installed at his property would be unsafe to him under Section 1501.

John Kline also contends that as a matter of law and policy he should not be required to prove causation of harm to a medical certainty as if this were a tort case for damages, but instead has met his burden under Section 1501 by proving by a preponderance of evidence that the proposal to subject him and his family to RF exposure from a smart meter is unsafe and unreasonable, because it would expose him to a risk of harm.

First, John Kline has demonstrated that the new AMI meter can cause, contribute to, or exacerbate an illness. Evidence was presented from reliable Government, Medical and Scientific sources that should allow us to make a reasonable choice to protect our safety. My family and I have had made a number of choices such as not having a microwave, Corded phones, limiting use of Wi-Fi, television, etc. and will continue to take additional precautions. Yet, PPL Electric Utilities claim that we should have to prove and illness to not have a smart meter installed is in of itself criminal. It takes away all of our choices and freedoms regarding the dangers of radioactive microwaves (Radio Frequency –RF) and puts the entire population at risk. Outdated exposure standards, have PPL and other Utility companies coercing the complainants to endure exposure which amounts to involuntary human experimentation. In addition health risks from the type of electromagnetic energy emitted from smart meters are heightened in the very young, the very old, and in those with pre-existing diseases and disorders. Lack of definitive proof that a technology is harmful does not mean the technology is safe, yet the Utility Companies and wireless industry has succeeded in selling this logical fallacy to the citizens. In truth, the safety of wireless technology has been an unsettled question since the industry's earliest days. The upshot is that, over the past 30 years, billions of people around the world have been subjected to a massive public-health experiment: Use a cell phone / Wi-Fi today, find out later if it causes cancer or genetic damage. Meanwhile, big corporations obstructed a full and fair

understanding of the current science, aided by government agencies that have prioritized commercial interests over human health and news organizations that have failed to inform the public about what the scientific community really thinks. In other words, this public-health experiment has been conducted without the informed consent of its subjects.

“The absence of absolute proof does not mean the absence of risk,” Annie Sasco, the former director of epidemiology for cancer prevention at France’s National Institute of Health and Medical Research, told the attendees of the 2012 Childhood Cancer conference.

Second, the Company’s professional paid witnesses offered questionable and inaccurate testimony and offered no substantial proof that Radio Frequency (“RF”) is safe. Most complainants in this process including us simply do not have the financial resources to challenge the big corporation’s expert witnesses, nor can we afford to bring in our own experts. This has been a costly consequence for complainants since the presentation of evidence in advance, at these hearings allows the Utility Companies ample time to prepare its own experts. Since the utilities have far more resources than the person filing the complaint, they can easily hire experts to prepare studies that, at the very least, cast doubt upon the “guilt” of their product. Therefore, we should not be penalized for presenting sound, legitimate evidence form reliable sources. Respected scientists often reach different conclusions regarding the same data. So when there is disagreement within the scientific community regarding such evidence, the ALJ should not take it upon them self to disallow all testimony simply because it is not presented by an expert. Even when causation cannot be proved, that does not necessarily mean that respondent did not act in a reprehensible manner in exposing the public to risk. For example, problems often develop with drugs long after they have been approved for market. These hearings reveal whether corporations knowingly continued to install unsafe equipment after it became clear that problems existed. Assessment of evidence and causal inferences depend on accumulating all potentially relevant evidence and making a subjective judgment about the strength of the evidence. Making reasoned judgments after accumulating all potentially relevant evidence, not just the evidence of the corporations experts, is the role of the ALJ. The “preponderance of the evidence” standard should be based on the strength or weakness of each individual piece of evidence.

Third, John Kline has shown that the new AMI meter is otherwise unsafe and could cause fires. “Typical gauge electrical wiring that provides electricity to buildings (60 Hz power) is not

constructed or intended to carry high frequency harmonics that are increasingly present on normal electrical wiring. The use of smart meters will place an entirely new and significantly increased burden on existing electrical wiring because of the very short, very high intensity wireless emissions (radio frequency bursts) that the meters produce to signal the utility about energy usage… "Reports detail that the meters themselves can smoke, smolder and catch fire, they can explode, or they can simply create over-current conditions on the electrical circuits… "Electrical wiring was never intended to carry this - what amounts to an RF pollutant - on the wiring. The higher the frequency, the greater the energy contained." "Faulty wiring, faulty grounding or over-burdened electrical wiring may be unable to take the additional energy load." PPL Electric Utilities has not presented sound evidence that this will not happen, in fact they even admitted that it is a possibility.

Fourth, John Kline has proven that the privacy and cybersecurity concerns are legitimate. According to the Department of Energy, smart meters may be able to reveal occupants' "daily schedules (including times when they are at or away from home or asleep), whether their homes are equipped with alarm systems, whether they own expensive electronic equipment such as plasma TVs, and whether they use certain types of medical equipment.

Fifth, it is obvious that ALJ Barnes has solely sided with PPL and has not even considered many of the arguments and evidence presented by John Kline. During her initial decision, in many cases word for word, she quoted the arguments and cases present by PPL's attorneys in the main Brief. Yet she completely ignored and did not even rule on many legal issues and motions presented by John Kline in his Main Brief and Reply Brief. The violation of John Kline's due process rights during in these proceedings is evident by the lack of consideration for any of his arguments. The evidence of collusion, not only in my case but in many other smart meter cases brought before the PUC has become more and more evident. The continued pro hac vice admissions in these smart meter cases is a perfect example. When PPL started receiving formal complaints regarding smart meters and the trial dates were set, Judge Barnes and other judges granted many pro hac vice motions on the day after the PPL lawyer filed a motion to admit Renner, who was admitted solely to present the perjured testimony of Davis and Israel. This, even though the PPL lawyer, Mr. Ryan did not include a 20-day notice to plead in his filing of any of his motions to admit Mr. Renner pro hac vice. The same has also taken place with Renner's Partner, Watson in many PECO cases regarding smart meters.

231 PA Code Rule 1012.1. Admission Pro Hac Vice.

(e) The court shall grant the motion unless the court, in its discretion, finds good cause for denial.
Good cause may include one or more of the following grounds:

(5) the candidate is, in effect, practicing as a Pennsylvania attorney, in light of the nature and extent of the activities of the candidate in the Commonwealth, without complying with the Pennsylvania requirements for the admission to the bar. The court may weigh the number of other admissions to practice sought and/or obtained by the candidate from Pennsylvania courts, the question of whether or not the candidate maintains an office in Pennsylvania although the candidate is not admitted to practice in Pennsylvania courts, and other relevant factors,
(6) the number of cases in all courts of record in this Commonwealth in which the Pennsylvania attorney is acting as the sponsor prohibits the adequate supervision of the candidate

These motions have been granted in the following cases that I am aware of: *Susan Kreider C-2015-2469655, P-2015-2495064, Maria Povacz C-2015-2475023, Laura Murphy C-2015-2475726, JaneLe Bachman C-2017-2623504, Alexia McKnight C-2017-2621057, C. Frompovich C-2015-2474602, Cynthia Randall & Paul Albrecht C-2016-2537666, Lynn Caesar C-2017-2605462, Elmore Polite F-2015-2514570, Barbara & Charles Tucker C-2015-2515592, Stephen & Diane Von Schoyck C-2015-2478239, Mary Paul C-2015-2475355, D. Bervinchak C-2016-2572824, J. Bervinchak C-2016-2577527, S. G. Chapman C-2017-2617625, R.-M. Elam C-2017-2630795, M. Forney C-2017-2614957, K. Hicks C-2017-2628778, J. Kline C-2017-2621072, D. Millan C-2017-2623236, R. N. Myers C-2017-2620710, M. Peters F-2017-2612900, A. V. Schmukler C-2017—2621285, D. & B. Zimmerman C-2017-2615038, K. R. Anthony C-2018-3000490, C. & Bamberger C-2018-3000358, B. Heffner C-2018-3000471, E. Hoffman-Lorah C-2018-2644957, E. Mallin C-2018-2644068, L. L. Miller C-2018-3000685, G. Pink C-2017-2637828, W. & E. Sunstein C-2018-3000078, A. Torres C-2018-2641883*

There were no orders granting the PECO pro hac vice motions in the Kreider, Povacz, Murphy,

or Randall-Albrecht cases. There were no pro hac vice motions in the McKnight, Bachman or Caesar cases whatsoever. Yet, ALJ Heep allowed Watson and even Renner to proceed as counsel for PECO in those cases and present Davis and Israel's perjured testimony.

Pro hac vice motions should never be granted in such numbers for the same lawyers that they are in effect attempting to practice law in the Commonwealth without being admitted to the Pennsylvania Bar, and yet, Watson and Renner were either admitted pro hac vice or allowed to represent utilities without being admitted pro hac vice with one object only: to present the perjured well-rehearsed testimony of Davis and Israel, in a total of thirty-three (33) smart meter harm formal complaint cases brought by PECO and PPL customers in a space of less than two years. And Watson and Renner were prepared to present the perjured testimony of Davis and Israel in all of those cases. Once the perjured testimony was admitted in all cases that went forward to a hearing, it was a simple task for the ALJs to weigh it more heavily than a customer's testimony.

ALJ Barnes stated in her initial decision page 23, "To the extent that Mr. Kline desires the ability to opt out of the smart meter installation, he should advocate for such ability before the General Assembly, which is currently considering amending Section 2807(f) in some pending bills." First, I have never used the term "opt out", you should not have to opt out of something that violates you rights to begin with, I never agreed or consented to the installation of the smart meter. Second, as clearly stated in my reply brief, the legislation, which continuously gets blocked by representative Godshall is another example of the collusion in this system which is detrimental to the health, safety and well-being of me and all Pennsylvania citizens. As stated in Kline Reply Brief pg. 49 - As Chair of the PA House Consumer Affairs Committee, Robert Godshall has sat on opt out bills in the PA legislature for several legislative sessions, and also made verbal proclamations to others that he will never bring opt out bills to the floor for a vote, which should be an impeachable offence for depriving Pennsylvanians of their right to redress government and government agency oppressions that enable utility companies to harass and bully customers about cutting off electric service if they refuse smart meters. I presented into evidence (Exhibit Kline 2B) from the website votesmart.org to show that electric utilities were the 3rd top contributor in his last campaign with $18,850 and the energy sector contributed a total of $28,550. Is this and the fact that his son works for a utility company the reason he has not allowed bills , regarding smart meter opt-outs be voted on. This should have been investigated but it has been allowed to continue.

In addition, Mr. Godshall wrote the following: “The Public Utility Commission (PUC), the Energy Association of Pennsylvania (EAP) and the Office of the Small Business Advocate (OSBA) oppose legislation as enactment of any one would have a detrimental impact on the reliability of the electric distribution system and significantly increase costs to electric ratepayers. The EAP believes that this legislation “would make an abrupt and ill-advised shift in policy away from modernizing our electric system.” The OSBA and the Office of the Consumer Advocate (OCA) are concerned with the increased costs that consumers and small businesses will face if a utility company was required to implement an opt-out program and worry how those costs would be distributed. The OSBA and OCA agree that it would be ill-advised to restructure a program when its full implementation has not yet been completed as capital has already been spent by electric distribution companies to deploy smart meters in their respective service territories. (Kline Reply Brief pg. 50)

It is obvious that it is all about the money and protecting the utility companies while Pennsylvania citizens are allowed to be harassed and suffer the anxiety, stress and medical consequences of their lack of action regarding this issue. Has our government become just another corporation in the business of helping other corporations with their bottom line? This type of tyranny in this country is unprecedented. Never in our 242 year history has a government or government agency made it legal for a private company to install a piece of potentially unsafe equipment on the home of a private citizen completely and totally against their will and if they protest, they threaten to take away their livelihood by turning off their electricity which is so vital in today’s society. The notion that we or anyone else would have to prove a medical condition to prevent a medical condition is completely absurd! Why then would anyone try to do anything to take care of themselves in any way to prevent illness and disease since they cannot prove that they already have it. Does this premise make sense to anyone? We all have choices, and in this case our choices have been stolen from us without any consideration for future consequences. Robert Godshall, many in the State Legislature, the Pa PUC and ALJ’s, Utility company’s employees, attorneys and expert witnesses all know that people are suffering. Exhibit 2F is a list I compiled of almost 100 complaints which only went back a little over a year. This is an example of only some of the people that are suffering, there are hundreds more who filed, thousands who call the utility companies, thousands who either called the PUC or filed informal complaints, many wrote letters to Godshall or their legislator. Yet, Robert Godshall, many in the State Legislature, the Pa PUC and ALJ’s, Utility company’s employees, attorneys and expert witnesses all go to bed at night knowing there are people suffering, they all have the ability to do something about it

and continuously do nothing! But at least they can be comforted with the amount of money they have made at our expense. After all, isn't that what is important? The main purpose of Government is to protect its citizens and there used to be a time when a company thought the customer was always right. Neither one of these is happening in this case; instead there is collusion to do whatever it takes to keep this circus moving forward. I am sure if any of these people mentioned were ill or in discomfort, they would do whatever it takes to eliminate the cause or receive the help that they need, as in the case of Robert Godshall. Yet, they continue to deny us those same rights and take away our livelihood or in some cases lives. I am sure too they believe they are protected by the 'LAW" and there will not be any consequences.

ALJ Barnes also erred in accepting PPL's witnesses' contention that there is "no reliable scientific basis to conclude" that RF exposure from PPL's smart meters is capable of causing any health effects in humans. Id. Pg. 9 at 46-47, Id. Pg. 15 and 16. The health risks from RF exposure are a subject of great interest to many people around the world, because of the advent and now ubiquity of RF-emitting devices, most notably cell phones. In a case still pending, Murray v. Motorola, the Superior Court of the District of Columbia is considering tort claims for damages based on RF exposure from cell phones. In 2014, that court reviewed the scientific views on the subject of potential harm from RF exposure, including the 2013 conclusion of The World Health Organization's International Agency for Research on Cancer ("IARC") that RF exposure is "possibly carcinogenic to humans," which was also put into evidence before ALJ Barnes

The Court in Murray said this:

> The consensus throughout the scientific community is that the present state of science does not permit any definitive answer to the question of whether cell phone RF radiation causes cancer or any other adverse health effects. . . . Most organizations agree that there is a need for new, better, more controlled research to determine whether cell phone radiation poses a threat to human health.
>
> *Murray v. Motorola, Inc., 2014 D.C. Super. LEXIS 16, *8.*

The Commission should nonetheless read Act 129 in concordance with Section 1501 to require PPL to accommodate the request of a person like John Kline, who avoids RF exposure to the greatest

extent possible. The PUC should require PPL to use some means other than an RF-emitting smart meter installed on her property to collect data about electric usage for billing purposes. In so doing, the Commission will avoid the constitutional question otherwise presented.

In the alternative, the Commission should treat this formal complaint as a petition for relief, and decide that under the totality of the circumstances, PPL's deployment of an RF-emitting meter on John Kline's property would be inequitable and unreasonable. As another alternative, the commission should engage in notice and comment rulemaking on the subject of the health risks of RF exposure from smart meters, and the necessity or desirability of granting accommodations to customers like John Kline, who object based on their concern about the health and safety risks. It is unfair and unreasonable for the Commission to expect individual utility customers like John Kline to bear the enormous cost of engaging in full scale litigation with a public utility that has much greater resources to litigate the complex scientific issues presented. If the Commission decides to support PPL's proposal to force RF exposure over the objections of John Kline, it should only be after a full administrative hearing where the Commission conducts its own investigation and hearings and then decide whether it is safe and reasonable to mandate RF exposure for all Pennsylvania residents on their property, with no accommodation for anyone based on individual customer disabilities, medical circumstances, treating physician orders, health and safety concerns or simply our right to choose.

II. EXCEPTIONS

A. Exception No. 1: The ALJ Erred in Ignoring John Kline's Motion to Impeach the Professional Expert Witness

ALJ Barnes completed ignored my motions to Impeach the Professional Expert Witness which is a violation of 16 Pa. Code § 42.34. Motions

(e) Upon the filing and consideration of a motion, any replies thereto, and other information the Commission may deem necessary or appropriate to obtain, the Commission will issue and serve the parties with a written ruling thereon, including the reasons for the ruling.

If this was a procedural issue the as a Pro Se Complainant, the ALJ had an obligation to make

me aware of any issues and rule on the motion accordingly. Instead she chose to completely ignore these motions (Kline Main Brief pg. 5 - Request to Impeach the Professional Expert Witness) and (Kline Reply Brief pg. 14 - Official Motion to Impeach the Professional Expert Witness)

225 Pa. Code Rule 607

- **Dr. Christopher C. Davis, Ph.D.**
- **Dr. Mark A. Israel, M.D**

I request the impeachment of Dr. Christopher C. Davis, Ph.D. and Dr. Mark A. Israel, M.D based on the fact that they are biased because of financial interest and should be considered professional witnesses based on the amount of previous and future hearings they attended or will be attending, as professional witnesses. Both Witnesses testimonies should be disqualified due to their financial interest and previous relationships with the Respondent and other Electric Distribution companies in similar cases. Both witnesses have testified previously on behalf of the calling party; prior testimony gives rise to both an inference of friendliness to the party and an inference of bias in favor of the party based upon an expectation of future employment. Both witnesses derive a significant portion of their total income from litigated matters

- **Dr. Christopher C. Davis, Ph.D.**

Dr. Christopher C. Davis, according to his testimony (transcript page 124 through 129) admitted to attending at least 10 trials as a witness, and has 7 or 8 more scheduled. Dr. Davis stated “I’m Compensated at $400.00 per hour for his active work in these cases. And I do a great deal of background work in connection with these cases which I receive more compensation” This hearing lasted 5 hours which is $2000.00 in compensation not including the time he took to prepare his testimony, research my exhibits and consult with PPL Electric regarding the case. He also made mention to that that his current employment allows him to be a consultant (transcript page 131) indicating that he work he does for these trials is professional consulting work. The amount of compensation Dr. Davis would receive for 17 or 18 trials could derive a significant portion of his total income.

During his testimony Dr. Davis stated that the total number of trials that he attended or was scheduled to attend was 17 or 18. Below is the actual number of cases that I am aware of that Dr. Davis was either a witness or is scheduled to be a witness:

Susan Kreider C-2015-2469655, P-2015-2495064, Maria Povacz C-2015-2475023, Laura Murphy C-2015-2475726, JaneLe Bachman C-2017-2623504, Alexia McKnight C-2017-2621057, C. Frompovich C-2015-2474602, Cynthia Randall & Paul Albrecht C-2016-2537666, Lynn Caesar C-2017-2605462, Elmore Polite F-2015-2514570, Barbara & Charles Tucker C-2015-2515592, Stephen & Diane Von Schoyck C-2015-2478239, Mary Paul C-2015-2475355, D. Bervinchak C-2016-2572824, J. Bervinchak C-2016-2577527, S. G. Chapman C-2017-2617625, R.-M. Elam C-2017-2630795, M. Forney C-2017-2614957, K. Hicks C-2017-2628778, J. Kline C-2017-2621072, D. Millan C-2017-2623236, R. N. Myers C-2017-2620710, M. Peters F-2017-2612900, A. V. Schmukler C-2017—2621285, D. & B. Zimmerman C-2017-2615038, K. R. Anthony C-2018-3000490, C. & Bamberger C-2018-3000358, B. Heffner C-2018-3000471, E. Hoffman-Lorah C-2018-2644957, E. Mallin C-2018-2644068, L. L. Miller C-2018-3000685, G. Pink C-2017-2637828, W. & E. Sunstein C-2018-3000078, A. Torres C-2018-2641883

The total number of cases is 33 which is considerably more the Dr. Davis admitted to under oath and several of these cases took multiple days so the financial compensation would be a much larger portion of his total income. This strengthens the case for my motion / Request to Impeach the Professional Expert Witnesses.

- **Dr. Mark A. Israel, M.D**

Dr. Mark A. Israel, M.D according to his testimony (transcript page 155 through 157) admitted to attending 4 hearings in addition to this hearing plus 3 or 4 more. As far as future hearings schedules he stated ""It's something in between two and three or six and seven, I don't know." Dr. Israel's compensation is $500.00 an hour including time in court and all research. This hearing lasted 5 hours which is $2500.00 in compensation not including the time he took to prepare his testimony, research my exhibits and consult with PPL Electric regarding the case. The amount of compensation Dr. Israel would receive for 15 or 16 trials could derive a significant portion of his total income.

During his testimony Dr. Israel stated that the total number of trials that he attended or was scheduled to attend was 15 or 16. Below is the actual number of cases that I am aware of that Dr. Israel was either a witness or is scheduled to be a witness:

Susan Kreider C-2015-2469655, P-2015-2495064, Maria Povacz C-2015-2475023, Laura Murphy C-2015-2475726, JaneLe Bachman C-2017-2623504, Alexia McKnight C-2017-2621057, C. Frompovich C-2015-2474602, Cynthia Randall & Paul Albrecht C-2016-2537666, Lynn Caesar C-

2017-2605462, Elmore Polite F-2015-2514570, Barbara & Charles Tucker C-2015-2515592, Stephen & Diane Von Schoyck C-2015-2478239, Mary Paul C-2015-2475355, D. Bervinchak C-2016-2572824, J. Bervinchak C-2016-2577527, S. G. Chapman C-2017-2617625, R.-M. Elam C-2017-2630795, M. Forney C-2017-2614957, K. Hicks C-2017-2628778, J. Kline C-2017-2621072, D. Millan C-2017-2623236, R. N. Myers C-2017-2620710, M. Peters F-2017-2612900, A. V. Schmukler C-2017—2621285, D. & B. Zimmerman C-2017-2615038, K. R. Anthony C-2018-3000490, C. & Bamberger C-2018-3000358, B. Heffner C-2018-3000471, E. Hoffman-Lorah C-2018-2644957, E. Mallin C-2018-2644068, L. L. Miller C-2018-3000685, G. Pink C-2017-2637828, W. & E. Sunstein C-2018-3000078, A. Torres C-2018-2641883.

The total number of cases is 33 which is considerably more the Dr. Davis admitted to under oath and several of these cases took multiple days so the financial compensation would be a much larger portion of his total income. This strengthens the case for my motion / Request to Impeach the Professional Expert Witnesses.

B. <u>Exception No. 2: The ALJ Erred in Ignoring John Kline's Motion to Have Dr. Davis' testimony Suppressed</u>

ALJ Barnes completed ignored my motions to have Dr. Davis' testimony Suppressed which is a violation of 16 Pa. Code § 42.34. Motions

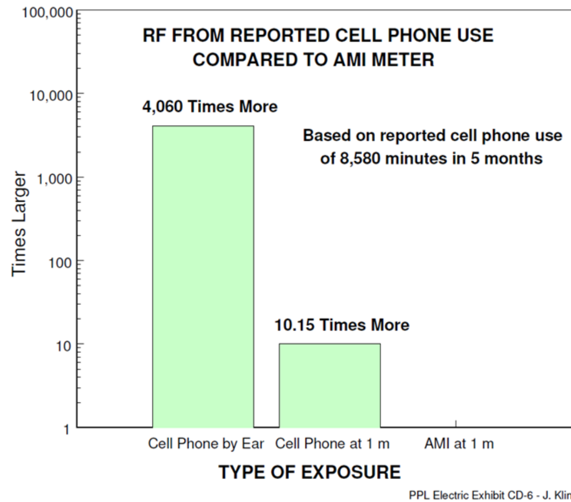
(e) Upon the filing and consideration of a motion, any replies thereto, and other information the Commission may deem necessary or appropriate to obtain, the Commission will issue and serve the parties with a written ruling thereon, including the reasons for the ruling

If this was a procedural issue the as a Pro Se Complainant, the ALJ had an obligation to make me aware of any issues and rule on the motion accordingly. Instead she chose to completely ignore this motion (Kline Reply Brief pg. 19 - formal motion to Have Dr. Davis' testimony Suppressed).

Dr. Davis stated (PPL Kline Statement No. 1 Davis Direct pg. 12 line 17 -19) As shown in his Exhibit CD6, the amount of RF exposure Mr. Kline received from using his cell phone over a 5-month period is more than 4,000 times higher than the RF from the meter over a 5-month period and (PPL Kline Statement No. 1 Davis Direct pg. 13 line 4 -10) Mr. Kline reported that over a 5-month period he

used his cell phone for 8,580 minutes. Based on that amount of cell phone use and assuming he held his cell phone at his head, Mr. Kline would have to stay within 1 meter of his AMI meter for 1,692 years to get an equivalent amount of RF exposure from the AMI meter. If Mr. Kline used his cell phone with a headset or earphones, he would need to stay within 1 meter of his AMI meter for 4.23 years to get a level of RF exposure equivalent to the RF exposure he got from his cell phone use over 5 months.

Davis Exhibit CD6



How did Mr. Davis calculate these measurements? It should be simple mathematics that someone with a high school diploma or less can figure out. First let's look at the calculation for 4,060 times more with my cell phone by my ear.

Minutes	Multiply Factor of		Minutes	/ Minutes Per Hour		Hours	/ Hours Per Day		Days	/ Days Per Year		Years
8,580	4,060.00	equals	34,834,800	60	Equals	580,580	24	Equals	24,191	365	Equals	66.27626

	Dr Davis Calculation	1692	years	Actual Calculation	66.28	Years	Off by	1625.72	Years

Now let's look at the calculation for 10.15 times more with my cell phone 1 meter away using a headset or earphones which is how I usually use it.

Minutes	Multiply Factor of		Minutes	/ Minutes Per Hour		Hours	/ Hours Per Day		Days	/ Days Per Year		Years
8,580	10.15	equals	87,087	60	Equals	1,451	24	Equals	60	365	Equals	0.165691

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	Dr Davis Calculation	4.23	years	Actual Calculation	0.166	Years	Off by	4.064	Years

How can these calculations be off by so much? Let's look at some other basic math.

Minutes Per Hour	X Hours Per Day		Hours Per Day	x Days Per Month		Hours Per Month	X Five Months		Minutes per 5 Months
60	24	equals	1440	30.42	equals	43804.8	5	Equals	219024

These figures are calculated based on me using my cell phone for 60 minutes per hour, 24 hours a day and 30.42 (average Days per Month) days per month for 5 months which comes out to 219,024 minutes of cell phone usage. I used the 219,024 minutes in the same calculator based on Dr. Davis' statements and testimony.

Calculation for 4,060 times more with my cell phone by my ear.

Minutes	Multiply Factor of		Minutes	/ Minutes Per Hour		Hours	/ Hours Per Day		Days	/ Days Per Year		Years
219,024	4,060.00	equals	889,237,440	60	Equals	14,820,624	24	Equals	617,526	365	Equals	1691.852
	Dr Davis Calculation		1692	years		Actual Calculation		1692	Years	Off by	0	Years

Calculation for 10.15 times more with my cell phone 1 meter away using a headset or earphones which is how I usually use it.

Minutes	Multiply Factor of		Minutes	/ Minutes Per Hour		Hours	/ Hours Per Day		Days	/ Days Per Year		Years
219,024	10.15	equals	2,223,094	60	Equals	37,052	24	Equals	1,544	365	Equals	4.22963
	Dr Davis Calculation		4.23	years		Actual Calculation		4.23	Years	Off by	0	Years

Dr. Davis offers no mathematical or scientific bases on how he came up with his calculations so It is obvious that he based his "Times More "calculations on me using my cell phone for 60 minutes per hour, 24 hours a day and 30.42 days per month (Average Days Per Month) for 5 months which comes out to 219,024 minutes of cell phone usage, in other words, constant use, rather than basing his calculations on the 8,580 minutes actually used. This also does not account for the position of my electric meter which is installed outside my bedroom wall less the 20 centimeters from my head when I am sleeping 8 hours a day. (Exhibit Kline 2R – 1 and Exhibit Kline 2R – 2)

This cannot be written off as a mistake, Dr. Davis has been accepted as an expert by PPL's Councel and the ALJ and his calculations should be double and triple checked before presenting

them in court under oath as truth and fact. If Dr. Davis can mislead the court by falsifying these calculations and essentially lying under oath, then there is no way his testimony should be accepted as PPL Electric presented as substantial, credible, and reliable evidence that wholly rebutted my contentions. In fact based on these falsehoods there is no way I or the court can or should accept any of Dr Davis' testimony as legitimate since other calculations and statements could be falsified as well. Therefore I request that all of Dr. Davis' testimony be excluded Evidence as unreliable.

To strengthen these accusations I would like point out to the court calculations Dr. Davis has made in other cases before the Commission. I will be using Dr. Davis claim that using a cell phone is 4,060 times higher than the RF from the meter

Docket C-2017-2621057 (McKnight v PECO) (Tr. 4/13 at 70:4-21; 155:24-156:3), he testified that 9 minutes of cell phone use was equivalent to 3 months in front of an AMI meter.

Minutes	Multiply Factor of		Minutes	/ Minutes Per Hour		Hours	/ Hours Per Day		Days	/ Days Per Year		Years
9	4,060.00	equals	36,540	60	Equals	609	24	Equals	25	365	Equals	0.069521
	Dr Davis Calculation		0.25	years	Actual Calculation			0.069521	Years	Off by	0.180479	Years

He also testified in *(Docket C-2015-2475726, REBUTTAL TESTIMONY OF DR. CHRISTOPHER DAVIS, May 20, 2016 at 18:5-12)* that 7 minutes of cell phone use was equivalent to 107 years in front of an AMI meter. In court, he states "I would never have made a statement that only 7 minutes of exposure would have amounted to that much exposure" (Tr. 4/13 at 156:10-12). But, the records are clear that he did make these statements, and under oath.

Minutes	Multiply Factor of		Minutes	/ Minutes Per Hour		Hours	/ Hours Per Day		Days	/ Days Per Year		Years
7	4,060.00	equals	28,420	60	Equals	474	24	Equals	20	365	Equals	0.054072
	Dr Davis Calculation		107	years	Actual Calculation			0.054072	Years	Off by	106.9459	Years

He also testified in *(Mary Paul v PECO Docket C-2015-2475355, testimony Nov 16, 2016, Tr. 4/13 at 276:8-19)* that 109 minutes of cell phone use was equivalent to 1480 years exposure of an AMI meter.

Minutes	Multiply Factor of		Minutes	/ Minutes Per Hour		Hours	/ Hours Per Day		Days	/ Days Per Year		Years
109	4,060.00	equals	442,540	60	Equals	7,376	24	Equals	307	365	Equals	0.841971
	Dr Davis Calculation		1480	years		Actual Calculation		0.841971	Years	Off by	1479.158	Years

There is no rhyme or reason to any of these calculations and there is a significant conflict in information between all testimonies which suggests that all of these statements are fictitious in nature.

C. **<u>Exception No. 3: ALJ Barnes Erred in Being Persuaded by PPL's Witnesses Dr. Davis and Dr. Israel regarding medical issues and accepting them as credible as well as Mr. Larson regarding fire safety</u>**.

In ALJ Barnes Initial Decision page 18 she stated she was persuaded by the credible testimonies of Dr. Davis. In addition to the argument in Exception No. 1 and Exception No. 2, in the PUC Case *Docket C-2017-2621057 (McKnight v PECO)* Dr. Davis admits he is unfamiliar with medical and biologic concepts. Dr. Davis testified that his knowledge of biology comes 'by osmosis' *(Tr. 4/13 at 17:10-14 / Docket C-2017-2621057)*, and that he does not have formal training in biology other than a course in biophysics as a graduate student *(Tr. 4/13 at 17:3-6 / Docket C-2017-2621057).* And, when questioned about medical articles, he admits he would defer those questions to physicians such as Dr. Israel *(Tr. 4/13 at 152:12 Docket C-2017-2621057).* Yet when questioned in this case (PPL Kline Statement No. 1 Davis Direct pg. 9 line 7 -12) Dr. Davis claims to be an expert with this question - BASED ON YOUR REVIEW OF THE SCIENTIFIC RESEARCH ON RF FIELDS AND BIOPHYSICAL MECHANISMS, IS THERE A CREDIBLE BIOLOGICAL MECHANISM BY WHICH RF FIELDS COULD CAUSE EFFECTS IN HUMANS OTHER THAN THROUGH TISSUE HEATING? ALJ Barnes erred in accepting Dr. Davis testimony as being credible.

In ALJ Barnes Initial Decision page 14 she stated she was persuaded by the credible testimony of Dr. Israel. In addition to the argument in Exception No. 1, there are other aspects of his testimony that should be considered suspect. Dr. Israel may be an excellent pediatric and may know a lot about pediatric oncology, however, he cannot be considered an expert in the condition or situation of a patient with EHS or IEIEMF.

When asked ARE YOU FAMILIAR WITH THE TERMINOLOGY "ELECTROMAGNETIC

HYPERSENSITIVITY"? (PPL Electric Statement No. 2) His reply was:

I am familiar with the terminology, which is sometimes used to characterize a wide-range of self-reported symptoms some people claim are caused by RF fields. These symptoms have been described as including headaches, dizziness, body aches, buzzing in ears, eye floaters, difficulty concentrating, memory loss, sleep disturbance, nervousness, fatigue, and lethargy, among others. A WHO working group has recommended that these symptoms be described as "Idiopathic Environmental Intolerance", in which "idiopathic" means "cause unknown." This is because, as pointed out by Rubin (2010), the theory of electromagnetic hypersensitivity "is controversial" and "most mainstream medical bodies maintain that there is not sufficient evidence to support this theory and that the symptoms experienced by sufferers are unrelated to the presence of electromagnetic fields." I therefore consider "Idiopathic Environmental Intolerance" (IEI) a more appropriate and medically neutral term to use in a medical evaluation.

Yet In case *Docket C-2017-2621057 (McKnight v PECO)* he testifies that:

His lifetime of medical experience however does NOT include:

1. Ever writing any books or papers on the topics of EHS or IEI-EMF *(Tr. 4/13 at 183:8-10).*
2. Ever seeing even a single patient with this syndrome *(Tr. 4/13 at 183:5-7).*

Dr. Israel does believe that people with EHS have real symptoms. *(Tr. 4/13 at 285:24-25*). However, he admits he does not have any idea what he would recommend to a patient with EHS or IEI-EMF, and states "I haven't thought about it." *(Tr. 4/13 at 230:14-21*), despite study of the subject for more 32 years *(Tr. 4/13 at 230:14-17)* and claims that this is "a big part of what I think about" *(Tr. 4/13 at 183:15-20).* These statements completely contradict each other. ALJ Barnes erred in accepting Dr. Israel's testimony as being credible.

In ALJ Barnes Initial Decision page 18 she stated she was persuaded by the credible testimony of Mr. Larson to find that the new meter is not a fire risk. Mr. Larson stated (Transcript Page 88) "We monitor the temperature in 15 minute intervals to make sure there is no rapid heat rise and then also we have alarms set within the meter programming." "So once a certain threshold is ever hit then we could remedy the situation. Mr. Larson also stated that Transcript Page 90) "the meter itself is set up to a threshold of 85 degrees Celsius. If that tolerance is hit, within - I believe its

two hours, a signal is sent from the meter back to the head in the system. So once our head of the system reads it, we then issue that out to a trouble man to be able to deal with it." During Cross examination he admitted that between the time when it reaches the temperature threshold and the 2 hour period when you send someone out, it could get extremely hot enough where it can actually cause a fire. He stated that "I guess there is a possibility." (tr. page 91) 80 degrees Celsius is hot enough to give someone serious burns if touched, after it reaches that threshold, the temperature could continue to rise and could cause a fire before anyone is ever notified. A customer's house could burn down in that 2 to 3 hour time period, when they decide to send someone out. Mr. Larson's statements should not be treated as credible regarding the fire risks.

D. Exception No. 4: ALJ Barnes Erred in Ignoring John Kline's Legal Arguments

These Arguments were originally addressed in my hearing testimony (Section 4) which the ALJ did not allow me to read. At her request, the testimony was presented into evidence as Complaint's exhibit 1. During the hearing the ALJ explained to me that these arguments should be reserved for a brief after the hearing (Transcript pg. 18, lines 15-25 and pg. 19, lines 1-8. I proceeded to present these arguments during the briefing process and the ALJ completely ignored them and did not mention or rule on these in her initial decision.

1. ALJ Barnes failed to address - Title 66 / CHAPTER 15 / SUBCHAPTER A / § 1502. Discrimination in service

(Kline Main Brief pg. 11 #3) - No public utility shall, as to service, make or grant any unreasonable preference or advantage to any person, corporation, or municipal corporation, or subject any person, corporation, or municipal corporation to any unreasonable prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to service, either as between localities or as between classes of service, but this section does not prohibit the establishment of reasonable classifications of service.

The PA PUC, by making the installation of Smart meters mandatory for only some of the electric utility distribution companies in Pennsylvania is giving a preference or advantage to any person who is not required to have a smart meter installed because the live in area that has an

electric utility distribution company with under 100,000 customers.(Exhibit Kline 2K) HB2200 states:

(6) THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO AN ELECTRIC DISTRIBUTION COMPANY WITH 100,000 OR FEWER CUSTOMERS.

Since PPL Electric Utilities Corporation is the only electric distribution company in my/our area, it is a monopoly since I do not have a choice to switch to another company. Therefore there is Discrimination in service since not all Pennsylvania citizens are required to have these meters installed and I must, based on the geography where I own a home. I ask the PUC, how can a Pa law be mandated if it is not mandated to all citizens of Pennsylvania? In Lititz Pa., for example, there are some residents who are required to have a smart meter and their neighbors across the street do not, since they are serviced by a smaller distribution company. How can a regulation discriminate against any person or corporation just based on where they live or do business?

2. ALJ Barnes failed to address - Violation 14th amendment of the United States Constitution Section 1

(Kline Main Brief pg.12) All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Cornell Law School describes equal protection as follows:

The Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution prohibits states from denying any person within its territory the equal protection of the laws. This means that a state must treat an individual in the same manner as others in similar conditions and circumstances. The Federal Government must do the same, but this is required by the Fifth Amendment Due Process.

The point of the equal protection clause is to force a state to govern impartially—not draw distinctions between individuals solely on differences that are irrelevant to a legitimate governmental objective. Thus, the equal protection clause is crucial to the protection of civil rights and has been

violated since not all Pennsylvania citizens are required to have the dangerous smart meters installed.

3. **ALJ Barnes failed to address - Violation of the Federal Trade Commission Act - Section 5: Unfair or Deceptive Acts or Practices**

(Kline Main Brief pg. 12) The Federal Trade Commission Act list the following as unfair and deceptive practices

Unfair Practices

An act or practice is unfair where it

• causes or is likely to cause substantial injury to consumers;

• cannot be reasonably avoided by consumers; and

• is not outweighed by countervailing benefits to Consumers or to competition.

Deceptive Practices

An act or practice is deceptive where:

• a representation, omission, or practice misleads or is likely to mislead the consumer;

• a consumer's interpretation of the representation, omission, or practice is considered reasonable under the circumstances; and

• the misleading representation, omission, or practice is material.

"The standards for unfairness and deception are independent of each other. While a specific act or practice may be both unfair and deceptive, an act or practice is prohibited by the FTC if it is either unfair or deceptive."

By omitting and not properly educating the customers on the possible dangers of these meters as laid out in my testimony, PPL Electric is guilty of both unfair and deceptive practices.

4. **ALJ Barnes failed to address - Violation of United States Constitution - Amendment IV and CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA – Article 1 / Section 8**

(Kline Main Brief pg. 16) United States Constitution - Amendment IV
The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized

CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA – Article 1 / Section 8
Security From Searches and Seizures

The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and 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 subscribed by the affiant.

Smart meters and smart grid violate the 4th Amendment of the US Constitution and the CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA – Article 1 / Section 8 by warrantless-ly searching every electrical, water or gas appliance in the home including potentially the ability to search personal computers. A primary advantageous use of smart meters and smart grid to any government entity who wishes to do so, would be spying on US citizens in the sanctity of their own homes. This sets an unprecedented level of invasion of privacy and is in fact, according to the Constitution of the United States of America, illegal.

There are many Court cases that confirm Electronic Surveillance as a IV Amendment Violation which would also be a violation of the CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA – Article 1 / Section 8. I would like to point out a few examples

iii. *Case 1:13-cv-00851-RJL Document 48 Filed 12/16/13, Klayman V. Obama (Exhibit Kline G*)

WASHINGTON — a federal district judge ruled that the National Security Agency program that is systematically keeping records of all Americans' phone calls most likely violates the Constitution, describing its technology as "almost Orwellian" and suggesting that James Madison would be "aghast" to learn that the government was encroaching on liberty in such a way. The judge, Richard J. Leon of Federal District Court for the District of Columbia, ordered the government to stop collecting data on the personal calls of the two plaintiffs in the case and to destroy the records of their calling

history. “I cannot imagine a more ‘indiscriminate’ and ‘arbitrary’ invasion than this systematic and high-tech collection and retention of personal data on virtually every single citizen for purposes of querying and analyzing it without prior judicial approval,” Judge Leon wrote in a 68-page ruling. “Surely, such a program infringes on ‘that degree of privacy’ that the founders enshrined in the Fourth Amendment,” which prohibits unreasonable searches and seizures. The systematic and high-tech collection and retention of personal data on virtually every single citizen could also apply to the data that the smart meters collect.

iv. *SUPREME COURT OF THE UNITED STATES - UNITED STATES v. JONES (Exhibit Kline H)*

In United States v. Jones, the police used a GPS tracking device to track Jones’s movements for almost a month.183 The majority, led by Justice Scalia, held that attaching a GPS device on a vehicle for the purpose of collecting information constituted a “search” under the Fourth Amendment. Justices Alito and Sotomayor both agreed that this was a search. Justice Sotomayor noted that “GPS monitoring generates a precise, comprehensive record of a person’s public movements that reflects a wealth of detail about familial, political, professional, religious, and sexual associations.”

“A person who knows all of another’s travels can deduce whether he is a weekly church goer, a heavy drinker, a regular at the gym, an unfaithful husband, an outpatient receiving medical treatment, an associate of particular individuals or political groups—and not just one such fact about a person, but all such facts.”

With smart meters, police would have a rich source of personal data that reveals far more about a person than traditional analog meters. Understanding a person’s daily activities, including what appliances he is using, is a far leap from knowing his monthly energy usage. This is the difference between knowing about a single trip a person took and monitoring his movements over a month-long period.

v. *United States v. KYLLO - certiorari to the United States court of appeals for the ninth circuit (Exhibit Kline I)*

In 2001, the Court held that warrantless use of the technology to view inside a home was prohibited by the Fourth Amendment. Warning that use of thermal imaging could disclose intimate details about

personal activities, including “at what hour each night the lady of the house takes her daily sauna and bath, bath,”
Justice Scalia opined that the Fourth Amendment “draws ‘a Firm line at the entrance to the house.’ That line, we think, must be not only Firm but also bright.”

Justice Scalia first posited that “with very few exceptions, the question whether a warrantless search of the home is reasonable must be answered no. ”Searches of the home were historically analyzed under the common law doctrine of trespass, but during the mid-20th century the Court instead anchored the Fourth Amendment to a conception of privacy. While this test may be difficult to apply in the context of automobiles, telephone booths, or other public areas, it is made easier when concerning the home:

Given the rich detail of smart meter data, which can reveal intimate details about the electric customer’s life, and the reality that electric customers have no true choice in whether or not to give the data to the utilities, courts would find this data beyond the warrantless reach of law enforcement.

vi. *Naperville Smart Meter Awareness v. City of Naperville* - is the first case addressing whether the Fourth Amendment protects smart meter data. Courts have in the past held that the Fourth Amendment does not protect monthly energy usage readings from traditional, analog energy meters, the predecessors to smart meters. The lower court in this case applied that precedent to conclude that smart meter data, too, was unprotected as a matter of law. On appeal, EFF and Privacy International filed an amicus brief urging the Seventh Circuit to reconsider this dangerous ruling. And in its decision, released last week, the Seventh Circuit wisely recognized that smart meters and analog meters are different:

"Using traditional energy meters, utilities typically collect monthly energy consumption in a single lump figure once per month. By contrast, smart meters record consumption much more frequently, often collecting thousands of readings every month. Due to this frequency, smart meters show both the amount of electricity being used inside a home and when that energy is used.”

The Seventh Circuit recognized that this energy usage data “reveals information about the happenings inside a home.” Individual appliances, the court explained, have distinct energy-consumption patterns or “load signatures.” These load signatures allow you to tell not only when

people are home, but what they are doing. The court held that the “ever-accelerating pace of technological development carries serious privacy implications” and that smart meters “are no exception.”

The court did chide the city for failing to give residents the option of keeping traditional meters: "Naperville could have avoided this controversy—and may still avoid future uncertainty—by giving its residents a genuine opportunity to consent to the installation of smart meters, as many other utilities have."

E. **<u>Exception No. 5: ALJ Barnes Erred in failing to address and recognize the importance of the NTP (National Toxicology Program) Report and did not even mention it in her initial Decision.</u>**

This report was addressed in Kline testimony section 8, Kline Main Brief page 9, Kline Reply Brief page 37 and originally in the Formal Complaint, yet ALJ Barnes failed to address this report in her initial decision. She did however note the following in her initial decision page 16:

Dr. Israel reviewed all of the exhibits offered by Complainant. Dr. Israel found that none of Complainant’s exhibits are actual scientific studies and most appeared to be taken from activist websites. He testified that these exhibits lack scientific objectivity, do not offer a balanced assessment of the scientific research on RF fields, and do not provide scientifically reliable or useful data for reaching conclusions about RF fields and the causation of any symptom or health effect. As a medical doctor and scientific researcher, Dr. Israel would not rely on any of the documents provided by Complainant. PPL Electric Statement No. 2, Tr. 132-150. And found in favor of PPL. This statement and the ALJ’s findings could not be further from the truth regarding the NPT study and other exhibits presented in my case.

The US Department of Health and Human Services / national Toxicology Program Conducted a 10 year, 25 million dollar study to help clarify any potential health hazards, including cancer risk, from exposure to cell phone radiofrequency radiation, and to better inform protection for public health. The nomination for NTP to study cell phone radiofrequency radiation was made by the U.S. Food and Drug Administration (FDA). "The findings of brain tumors (gliomas) and malignant schwann cell tumors of the heart in the NTP study, as well as DNA damage in brain cells, present a major public health concern because these occurred in the same types of cells that have been reported to develop

into tumors in epidemiological studies of adult cell phone users," stated Ronald L. Melnick, PhD, the National Institutes of Health toxicologist who lead the NTP study design and senior advisor to the Environmental Health Trust.

On March 26 – 28, 2018, the three days prior to my hearing, the National Institute of Environmental Health Sciences (NIEHS) conducted an intense 3-day peer review of the two recently published draft technical reports of the results of the National Toxicology Program (NTP) study. The review process was open to the public and was broadcast live from the NIEHS campus in Research Triangle Park, North Carolina, USA. A panel of 13 invited well-established experts was charged with the task to scrutinize all aspects of the reports. In addition to the panel, the scientists who were responsible for the studies, together with representatives of the US Food and Drug Administration (FDA), the Federal Communications Commission (FCC), non-governmental organizations (NGO), the media, and industry representatives, as well as private citizens, attended the meeting.

During the first day of the meeting, the exposure system, the dosimetry, and the thermal pilot study were reviewed. Niels Kuster and Myles Capstick of the IT'IS Foundation – who had been tasked with the development, installation and maintenance of the exposure systems – provided an overview about the rationale of the exposure protocols, the differences and similarities of the selected exposure for the study to actual human exposure scenarios at the beginning of 2000 and now, and details about the exposure systems, the dosimetry, and verification and validation, before answering questions related to technical aspects of the exposure. The day concluded with a panel discussion and recommendations for how to report on the chamber design and performance, as well as dosimetry considerations.

The second and third days were focused on the NTP studies of rats. The expert panel, which included top pathologists from the pharmaceutical industry, reviewed details of the histopathology data and the classification of the findings. A decision was made by the panel to upgrade the evidence of carcinogenic activity for seven categories of tumors described in the draft reports.

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

The individual recommendations for each category can be found in Kline reply Brief pages 38 through 41 and the final conclusions are below:

Final Conclusions

CDMA Modulation

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

- ***Clear evidence of carcinogenic activity***
  - Incidences of malignant schwannoma in the heart
- ***Were considered to be related to cell phone RFR exposure* (some evidence)**
  - Incidences of malignant glioma in the brain
- ***May have been related to cell phone RFR exposure* (equivocal evidence)**
  - Incidences of adenoma in the pars distalis of the pituitary gland
  - Incidences of adenoma or carcinoma (combined) of the liver

GSM Modulation

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

- ***Clear evidence of carcinogenic activity***
  - Incidences of malignant schwannoma in the heart
- ***Were considered to be related to cell phone RFR exposure* (some evidence)**
  - Incidences of malignant glioma in the brain
  - Incidences of pheochromocytoma (benign, malignant, or complex combined) in the adrenal medulla
- ***May have been related to cell phone RFR exposure* (equivocal evidence)**
  - Incidences of adenoma or carcinoma (combined) in the prostate gland
  - Incidences of benign or malignant granular cell tumors in the brain
  - Incidences of adenoma in the pars distalis of the pituitary gland
  - 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

- ***Equivocal evidence of carcinogenic activity***
  - Incidences of malignant schwannoma in the heart

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.

Increases in nonneoplastic lesions in the heart, thyroid gland, and adrenal gland of female rats occurred with exposures to GSM cell phone RFR at 900 MHz.

CDMA Modulation

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

- ***Clear evidence of carcinogenic activity***
  - Incidences of malignant schwannoma in the heart
- ***Were considered to be related to cell phone RFR exposure* (some evidence)**
  - Incidences of malignant glioma in the brain
- ***May have been related to cell phone RFR exposure* (equivocal evidence)**
  - Incidences of adenoma in the pars distalis of the pituitary gland
  - Incidences of adenoma or carcinoma (combined) of the liver

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

- ***Equivocal evidence of carcinogenic activity***
  - Incidences of malignant glioma in the brain
  - Incidences of malignant schwannoma in the heart
  - Incidences of pheochromocytoma (benign, malignant, or complex combined) in the adrenal medulla.

Increases in nonneoplastic lesions of the heart, brain, and prostate gland in male rats occurred with exposures to CDMA cell phone RFR at 900 MHz.

Increases in nonneoplastic lesions of the brain in female rats occurred with exposures to GSM cell phone RFR at 900 MHz.

The qualifications for each participant can be found on Kline Reply Brief pages 42 and 43 and all of them are just as qualified, if not more than PPL's professional witnesses, Davis and Israel.

ALJ Barnes should have deferred to the reports from these U.N. (IARC) and U.S. (NTP) agencies that RF exposure is a possible cause of harm to health. Instead, she erred in uncritically accepting the testimony of PPL's witnesses that RF exposure cannot possibly cause harm.

F. <u>Exception No. 6: ALJ Barnes Erred in giving little or no weight to John Kline's exhibits because the authors of those studies, letters or other documents were not Present to be cross-examined</u>

On Page 14 of ALJ Barnes initial decision she states "Other than Complainant's Exhibit 1, which was drafted by Complainant as his Statement, I am giving little or no weight to the other

exhibits because the authors of those studies, letters or other documents were not present to be cross-examined, and PPL was denied an opportunity to test the veracity of their medical opinions or their qualifications to render such opinions. *66 Pa. C.S. § 332(c). Answerphone, Inc. & Elite Answering Serv. v. The Belle Tele. Co. of Pa., 1993 Pa. PUC LEXIS 70, at *29-30 (Order entered April 1, 1993).*

Commonwealth agencies, such as the Pennsylvania Public Utility Commission, are not bound by the technical rules of evidence. Title 2 Pa.C.S.A. § 505 provides that all relevant evidence of reasonably probative value may be received at agency hearings.*(Ruling Of ALJ Darlene D. Heep, Patti Lynn Caesar vs. PECO Energy Company - C-2017-2605462 – ORDER MOTION TO ADMIT COUNSEL PRO HAC VICE, THOMAS CAR WATSON)* In this case ALJ Heep used this rule to allow the admission of evidence of the witnesses of attorney Watson even though the PRO HAC VICE motion was not filed until after the hearing.

Title 2 Pa.C.S.A. § 505. Evidence and cross-examination.

Commonwealth agencies shall not be bound by technical rules of evidence at agency hearings, and all relevant evidence of reasonably probative value may be received. Reasonable examination and cross-examination shall be permitted.

Besides not being bound by technical rules of evidence, ALJ Barnes also contradicted herself by accepting John Kline's Exhibit 1, which was drafted by Complainant as his Statement then giving little or no weight to the other exhibits. Exhibit 1 was my initial testimony which was a 40 page document outlining all evidence that I presented during these proceedings. How can ALJ Barnes Accept the statement of evidence and contend that the supporting documents have little or no weight?

PPL's professional paid witnesses offered questionable and inaccurate testimony and offered no substantial proof that Radio Frequency ("RF") is safe. Most complainants in this process including us simply do not have the financial resources to challenge the big corporation's expert witnesses, nor can we afford to bring in our own experts. This has been a costly consequence for complainants since the presentation of evidence in advance, at these hearings allows the Utility Companies ample time to prepare its own experts. Since the utilities have far more resources than the person filing the complaint, they can easily hire experts to prepare studies that, at the very least, cast doubt upon the

"guilt" of their product. Therefore, we should not be penalized for presenting sound, legitimate evidence form reliable sources. Respected scientists often reach different conclusions regarding the same data. So when there is disagreement within the scientific community regarding such evidence. The ALJ should not take it upon them self to disallow all testimony simply because it is not presented by an expert. Even when causation cannot be proved, that does not necessarily mean that respondent did not act in a reprehensible manner in exposing the public to risk. For example, problems often develop with drugs long after they have been approved for market. These hearings reveal whether corporations knowingly continued to install unsafe equipment after it became clear that problems existed. Assessment of evidence and causal inferences depend on accumulating all potentially relevant evidence and making a subjective judgment about the strength of the evidence. Making reasoned judgments after accumulating all potentially relevant evidence, not just the evidence of the corporations experts, is the role of the ALJ. The "preponderance of the evidence" standard should be based on the strength or weakness of each individual piece of evidence.

G. Exception No. 7: The ALJ Erred in Accepting the Testimony of PECO's Expert Witnesses That There is No Reliable Scientific / Medical Basis to Suggest That RF Exposure Can Cause Any Biological Effects in Humans

ALJ Barnes made several references in her initial decision regarding the reliability and scientific basis that RF Exposure Can Cause Any Biological Effects in Humans based on statements by PPL's professional witnesses.

Initial decision pg. 9 at 46 - There is no reliable medical basis to conclude that RF fields from the AMI meters being used by PPL will cause or contribute to the development of illness or disease. PPL Electric Statement No. 2 at 16.

Initial decision pg. 9 at 47- There is no reliable medical basis to conclude that RF fields from the AMI meters being used by PPL would cause, contribute to, or exacerbate any of the symptoms claimed by the Complainant, or any other adverse health effects. PPL Electric Statement No. 2 at 16.

Initial decision page 15 - In forming his medical opinion, Dr. Israel relied upon studies from the United Kingdom Health Protection Agency (2012), the Royal Society of Canada (2013), the New

Zealand Ministry of Health (2015), and the European Commission's Scientific Committee on Emerging and Newly Identified Health Risks (2015). These entities concluded there is no reliable scientific evidence that exposure to RF fields causes claimed IEI symptoms. The World Health Organization has found that "There is little scientific evidence to support the idea of electromagnetic hypersensitivity." These findings from public health entities and expert panels show that the theory of IEI caused by exposure to RF fields has not been generally accepted in the medical community. PPL Electric Statement No. 2.

Initial decision page 16 - Overall, as an expert in medicine and medical research, particularly as related to RF fields and health, Dr. Israel found, based on his medical education, training and experience, and his evaluation of the scientific research, and to a reasonable degree of medical certainty, that there is no reliable medical basis to conclude that RF fields from the AMI meters being used by PPL will cause or contribute to the development of illness or disease. PPL Electric Statement No. 2 at 17-22. I find in favor of Respondent on this issue.

By discounting all evidence as outlined in Exception No. 5 and only relying on the testimony of PPL's witnesses, ALJ Barnes incorrectly came to the conclusion that there is no reliable scientific or medical basis to suggest that RF exposure can cause any biological effects in humans. This could not be further from the truth. I have presented thousands of examples of studies that have helped me make the determination that these meters could be unsafe and detrimental to my family's heath and they are from reputable government, scientific and medical sources, yet they were completely discounted by ALJ Barnes based solely on the determination of PPL's witnesses. For example:

From Kline testimony part 8 - Exhibit L - A document titled "International Appeal: Scientists Call for Protection from Non-ionizing Electromagnetic Field Exposure - This can be found in the European Journal of Oncology and is an appeal by Doctors, Scientists and professionals with qualifications on the same level as PPL Electrics witnesses, Dr. Davis and Dr. Israel not opinions by anti-EMF/RF advocates. It was not intended as a scientific basis but rather to show the large number of Scientist and Medical Professionals around the world that disagree with the views of Dr. Davis and Dr. Israel.

"International Appeal: Scientists Call for Protection from Non-ionizing Electromagnetic Field Exposure." - Numerous recent scientific publications have shown that EMF affects living organisms at levels well below most international and national guidelines. Effects include increased cancer risk, cellular stress, increase in harmful free radicals, genetic damages; structural and functional changes

of the reproductive system, learning and memory deficits, neurological disorders, and negative impacts on general well-being in humans. Damage goes well beyond the human race, as there is growing evidence of harmful effects to both plant and animal life.

These findings justify our appeal to the United Nations (UN) and, all member States in the world, to encourage the World Health Organization (WHO) to exert strong leadership in fostering the development of more protective EMF guidelines, encouraging precautionary measures, and educating the public about health risks, particularly risk to children and fetal development. By not taking action, the WHO is failing to fulfill its role as the preeminent international public health agency.

Collectively we also request that:

1. Children and pregnant women be protected;
2. Guidelines and regulatory standards be strengthened;
3. Manufacturers be encouraged to develop safer technology;
4. utilities responsible for the generation, transmission, distribution, and monitoring of electricity maintain adequate power quality and ensure proper electrical wiring to minimize harmful ground current;
5. The public be fully informed about the potential health risks from electromagnetic energy and taught harm reduction strategies;
6. Medical professionals be educated about the biological effects of electromagnetic energy and be provided training on treatment of patients with electromagnetic sensitivity;
7. Governments fund training and research on electromagnetic fields and health that is independent of industry and mandate industry cooperation with researchers;
8. Media disclose experts' financial relationships with industry when citing their opinions regarding health and safety aspects of EMF-emitting technologies; and
9. white-zones (radiation-free areas) be established.

Can the PUC rule that one witness can overrule the consensus of all of these medical Doctors, scientists, Professors and professionals. Today, it carries 224 signatories from 41 nations; all have peer-reviewed research in the field, and none - to their credit - have been paid or co-opted by the multi-billion dollar Big Utility or Telecoms industry.

The NTP Report – as stated in exception 4, The reliability of this study is without question as it was conducted by the US Department of Health and Human Services / national Toxicology Program and was a 10 year, 25 million dollar study to help clarify any potential health hazards, including cancer risk, from exposure to cell phone radiofrequency radiation, and to better inform protection for public health. The nomination for NTP to study cell phone radiofrequency radiation was made by the U.S. Food and Drug Administration (FDA). "The findings of brain tumors (gliomas) and malignant schwann cell tumors of the heart in the NTP study, as well as DNA damage in brain cells, present a major public health concern because these occurred in the same types of cells that have been reported to develop into tumors in epidemiological studies of adult cell phone users," stated Ronald L. Melnick, PhD, the National Institutes of Health toxicologist who lead the NTP study design and senior advisor to the Environmental Health Trust.

The American Academy of Pediatrics (AAP), a non-profit professional organization of 60,000 primary care pediatricians, pediatric medical subspecialists, and pediatric surgical specialists dedicated to the health, safety and well-being of infants, children, adolescents, and young adults took this opportunity to comment on the Proposed Rule "Reassessment of Exposure to Radiofrequency Electromagnetic Fields Limits and Policies" published in the Federal Register on June 4, 2013.

From Kline testimony part 8 - (Exhibit Kline – Q) – EMF Studies NIH - These Peer reviewed studies can be found from the U.S. Department of Health and Human Services websites. Peer-reviewed articles provide a trusted form of scientific communication. Even if you are unfamiliar with the topic or the scientists who authored a particular study, you can trust peer-reviewed work to meet certain standards of scientific quality. Since scientific knowledge is cumulative and builds on itself, this trust is particularly important. No scientist would want to base their own work on someone else's unreliable study! Peer-reviewed work isn't necessarily correct or conclusive, but it does meet the standards of science. And that means that once a piece of scientific research passes through peer review and is published, science must deal with it somehow — perhaps by incorporating it into the established body of scientific knowledge, building on it further, figuring out why it is wrong, or trying to replicate its results.

All of these have been published on Pub Med.gov – the US National Library of Medicine National Institutes of health. I have listed well over 200 studies, yet the so called "experts" will still tell you there is not enough evidence.

This information completely discounts the Statement from Dr. Israel which ALJ Barnes relied on, on page 16 of her initial decision. "Dr. Israel reviewed all of the exhibits offered by Complainant. Dr. Israel found that none of Complainant's exhibits are actual scientific studies and most appeared to be taken from activist websites. He testified that these exhibits lack scientific objectivity, do not offer a balanced assessment of the scientific research on RF fields, and do not provide scientifically reliable or useful data for reaching conclusions about RF fields and the causation of any symptom or health effect. As a medical doctor and scientific researcher, Dr. Israel would not rely on any of the documents provided by Complainant. PPL Electric Statement No. 2, Tr. 132-150.

H. <u>Exception No. 8: The ALJ Erred in Concluding that PPL Is Legally Required to Install the RF Mesh Meter on John Kline's property by Act 129 and Commission orders</u>

In her Initial Decision, ALJ Barnes erred in concluding that PPL Is legally required to install the RF mesh meter on John Kline's property by Act 129 and Commission orders. Kline Initial Decision pg. 28 at 15. That is incorrect because nowhere in Act 129, the orders of the Commission or PPL's tariff is there any requirement that every single customer must accept an RF emitting smart meter. The General Assembly in Act 129 may have approved the concept of a smart meter rollout that would encompass most customers, but nothing suggests that the General Assembly intended to permit utilities to force customers to accept exposure where they object the hazards and safety, as here. There is nothing in the law that mandates this result, and Section 1501 prohibits it as to complainant.

This point deserves special emphasis. The Commission's prior decision that there is no opt out right under Act 129 does not answer the question whether the General Assembly intended for every single consumer to be forced to accept a smart meter, even if they object based on health and safety concerns and in some cases complainants have doctor's recommendation. There is no evidence that the General Assembly even thought about this issue. In fact there is evidence that the General Assembly never meant for them to be mandatory.

I respectfully ask the court, if this law was meant to be mandatory them how come it does not state in the law that customers who refuse a smart meter will be penalized by having their electricity turned off? In fact, nowhere in the law does it list any consequences for consumers, yet we are the ones getting penalized.

In The Common Wealth of Pennsylvania, Legislative Journal dated WEDNESDAY, OCTOBER 8, 2008 (Exhibit Kline 2L), the date that HB 2200 was passed, It clearly states the intent of the law makers regarding the smart meter installations was that they were not mandated. Any reasonable person would be able to determine this by the following quotes:

Senator TOMLINSON (pg. 2626) – "It also contains language in there that we will have smart meters. It is not mandated, but it allows for the deployment of smart meters through a depreciation process, through new home construction process, and through the depreciation of 15 years, and for anyone who wants to purchase a smart meter which they feel will help them manage their electric load better."

Senator BOSCOLA (pg. 2627) – "We also made sure that smart meters would not be mandated for every single ratepayer. Not only is that a smarter approach to smart meter deployment, but it will also save electric customers hundreds of millions of dollars paying for something that will not provide a real benefit in their own households.

Senator FUMO (pg. 2629) – "In addition, we did not mandate smart meters, but we made them optional. We did say in new construction, where they really are practical, they will be put in"

It is obvious by the quotes of these three Senators who voted for the bill, that their intention was not to make the smart meters mandatory yet the commission when implementing the law made it mandatory, but not for all, just for some which is Discrimination in service and does not give those who do not have a choice but to use these seven distribution companies, equal protection under the law.

Equally important for present purposes, there is no evidence that accommodating the request of a customer like John Kline who has genuine concerns and tries to avoid RF exposure would present an unsurmountable challenge to PPL or any other utility for that matter. What is the rationale for refusing to accommodate customers like John Kline who seek an accommodation based genuine concerns? The silence on that issue is deafening. The Commission should conclude from that silence that it would be feasible and not unduly burdensome for PPL to accommodate customers like John Kline who object based on Health and Safety concerns to forced RF exposure by not using smart meters for such customers.

In this case, where the safety of RF exposure is unproven, and questions have been and continue to be raised on the subject (e.g., the NTP report), it is manifestly unreasonable to force RF exposure upon a person like John Kline who objects based on known health issues to him and his family and who takes all steps possible to limit exposure. We should not have to go through the personal experience of validating out health issues to the ALJ, Lawyers and anyone else involved in these proceedings. We have the right to keep personal issues private and that should be respected by the commission. Instead, the reasonable course would be to offer an accommodation to consumers like John Kline who object based on these concerns.

In fact the ALJ decision and PPL Electrics argument that Section 2807(f) of the Public Utility Code prescribes that EDCs, like PPL Electric, must file smart meter plans and “shall furnish smart meter technology” in any of the following situations: (1) “upon request from a customer that agrees to pay the cost of the smart meter at the time of the request”; (2) “[i]n new building construction”; and (3) “[i]n accordance with a depreciation schedule not to exceed 15 years.” 66 Pa. C.S. § 2807(f)(l)-(2) (emphasis added) is in whole based on the word “shall” which is a “false imperative and can actually mean "may, will or must." (Exhibit Kline 3A) is a posting from the Federal Aviation Administration website titled “What's the only word that means mandatory”, states:

We call "must" and "must not" words of obligation. "Must" is the only word that imposes a legal obligation on your readers to tell them something is mandatory. Also, "must not" are the only words you can use to say something is prohibited. Who says so and why? Nearly every jurisdiction has held that the word "shall" is confusing because it can also mean "may, will or must." Legal reference books like the Federal Rules of Civil Procedure no longer use the word "shall." Even the Supreme Court ruled that when the word "shall" appears in statutes, it means "may." The Commission has interpreted this law to require smart meter installation my making the claim that the General Assembly intention was for the smart meter installs to be mandatory based on (In 66 Pa. C.S. §2807(f)(2),) the use of the word “shall” in the statute indicates the General Assembly’s direction that all customers will receive a smart meter and it is obvious that this was not the intention of the general Assembly.

I. Exception No. 9: ALJ Barnes Erred by Stating The Complainant has failed to sustain his burden of proof that installing the new AMI meter would constitute unsafe or unreasonable service in violation of 66 Pa. C.S. §1501

Initial Decision page 29 at 20 ALJ Barnes states “The Complainant has failed to sustain his burden of proof that installing the new AMI meter would constitute unsafe or unreasonable service in violation of 66 Pa. C.S. § 1501.

First, in my testimony I did present a preponderance of and clear and convincing evidence that a smart meter installed at our home could present a risk to human health. However, due to all the incorrect rulings by ALJ Barnes addressed in the previous exceptions, this evidence was discounted. But even with that, it does not discount the fact the installation of the smart meters would constitute unsafe or unreasonable service.

Public Utility Code, 66 Pa.C.S. § § 501 and 1501
§ 57.28. Electric safety standards.

(1) An electric utility shall use reasonable effort to properly warn and protect the public from danger, and shall exercise reasonable care to reduce the hazards to which employees, customers, the public and others may be subjected to by reason of its provision of electric utility service and its associated equipment and facilities.

PPL Electric Utilities Corporation, by its own admission, in the Response to Interrogatories of John Kline, set 1 (Exhibit Kline – A), states that PPL Electric has not funded, sponsored, or been personally involved in any studies regarding the safety of the new automated metering infrastructure (“AMI”) meters. It is also not aware of any such studies, that the PA PUC was involved in. How has a reasonable effort been made if there has been no personal effort on PPL Electric Utilities Corporation part? This violates § 57.28. Electric safety standards. Instead, they base the safety on out dated safety standards and the ALJ’s and PUC accept the word of paid witnesses to assume we are all safe.

Throughout these proceedings I have presented 2 pieces of evidence:
(Kline Testimony Section 7 and Section 8 / Kline Main Brief page 22 / Kline Reply Brief page 52)

- (Exhibit Kline 2R-1) which a picture of the current meter which is location on the outside of my bedroom wall.
- (Exhibit Kline 2R – 2) is a picture of where the meter is placed in reference to my inside wall.

These pictures clearly show that when installed the smart meter would be less than 8 inches (20 cm) from my head when I am sleeping. In each case I posed the same question and I have yet to get and answer from either PPL or their witnesses or the ALJ. That question is:

Can anyone guarantee I will be 100% safe from RF/EMF's when I typically sleep with my head against the headboard and my hand between the headboard and the wall when the smart meter would be less than 8 inches away?

FCC Guidelines are clear and this installation as well as many other smart meter installations would be in clear violation of these guidelines.
This device must comply with part 15 of the FCC rules. Operation is subject to the following three conditions:
(1) This device may not cause harmful interference, and
(2) This device must accept any interference received, including interference that may cause undesired operation.
(3) For RF exposure, service personnel are to <u>maintain a minimum of 20cm</u> from the RF communications transmitter once installed.

The FCC requires that all persons be kept at least 20cm from the smart meter. It is up to the utility to ensure compliance. PPL claims they comply with all FCC regulations. Yet they fail to erect any safety enclosure, post any notices whatsoever warning people to keep their distance. The utilities claim that people are going to be far from the meter- but what about kids playing around the side of homes or apartment buildings?

GRANT OF EQUIPMENT AUTHORIZATION

Certification
Issued Under the Authority of the Federal Communications Commission

Class II permissive change filing. Output power listed is conducted. Limited single module approval requires professional installation. The antenna(s) used for this transmitter must be installed to provide a separation distance of at least 20 cm from all persons and must not be colocated or operating in conjunction with any other antenna or transmitter except FHSS radio as documented in this filing. End-users and installers must be provided with antenna installation and transmitter operating conditions for satisfying RF exposure compliance.

IV. CONCLUSION

For the reasons set forth above, Complainant John Kline respectfully requests that the Commission grant these Exceptions and issue a Final Order that rejects the ALJ's Interim Decision of August 16, 2018, and orders PPL to grant Complainant's request for an accommodation under Section 1501 by using some means other than an RF-emitting smart meter installed on his property to collect data about electric usage for billing purposes. Specifically a meter of his choice.

Respectfully submitted,

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