

Diana Sabatine  
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September 21, 2018

**VIA E-FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission

**Re: Diana Sabatine v. West Penn Power Company  
Docket No. C-2018-3002804**

Dear Secretary Chiavetta:

Please see the attached response to the Amended Answer and New Matter of West Penn Power Company in the above referenced docket number. This document has been served on the Respondent as shown in the Certificate of Service (Certificate of Mailing).

Sincerely,



Diana Sabatine

Enclosures

c: Lauren M. Lepkoski, Esquire, and Tori L. Giesler, Esquire, First Energy Service Company, E-File & Certificate of Service

**Accepts E-Service** : Lauren Marissa Lepkoski, Esquire, and Tori L. Giesler, Esquire  
First Energy Service Company  
Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**DIANA SABATINE**

**v.**

**WEST PENN POWER COMPANY**

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**Docket No. C-2018-3002804**

**RESPONSE TO AMENDED ANSWER AND NEW MATTER OF WEST PENN POWER  
COMPANY FROM THE COMPLAINT OF DIANA SABATINE**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, Diana Sabatine, a woman, as herself, and not a fictitious entity, files this response to the Answer and New Matter of West Penn Power Company and/or First Energy Corporation, and/or First Energy Service Company (“West Penn” or the “Company”) dated August 22, 2018 pursuant to the Law of the Almighty Creator under His jurisdiction I live.

1. Admitted.
2. Admitted.
3. Denied. It is the duty of the PUC by virtue of their oath of office and as an agent of the people to protect we the people.

A. The Company is in violation of Act 129 of 2008 (“Act 129”). It is undisputed Act 129 is an “opt-in” in which FIRST ENERGY CORP., West Penn Power and the PENNSYLVANIA PUBLIC UTILITY COMMISSION (PUC) are ignoring. The word “shall” in Act 129 means there is no escape from the plain language meaning. The plain language of the act is “at the customer request.” There is nothing in the statute or the history of the statute to think that “at the customer request” means anything but what

it says and is only emphasized by the word “shall” that precedes it. I have presented this statute to numerous people and after reading it, the only ones who think that it is mandatory are electric company employees and some of the employees of the Commonwealth of Pennsylvania. It is a Maxim of Law that a statute be interpreted according to the language of the people, not the language of Lawyers or utility companies. How else can the people know what is required of them?

B. In a Commonwealth, such as Pennsylvania, all statutes, including but not limited to Act 129, must conform to the Organic Law: The Bible, The Magna Carta of 1215, The Declaration of Independence – 1776, Articles of Confederation – 1777, Ordinance of 1787; The Northwest Territorial Government, Constitution of the United States of America, Analytical Index to the Constitution of the United States, and The Constitutions of the Commonwealth of Pennsylvania.

C. “Purpose of statutory construction is to ascertain and effectuate the intent of the general assembly. Commonwealth v. Walls, 926 A.2d 957, 962 (Pa. 2007)”. The history of this act has nothing about mandatory installation for existing structures.

D. “In ascertaining the common and approved usage of a word the court may resort to a dictionary. St. Ignatius Department of Public Welfare, 918 A.2d 838, 845 (Pa. Cmwlth. 2007).”

E. “Administrative interpretations of a statute are entitled to some deference, particularly where a statute is technical or complex, but such deference will exist only where the reviewing court is satisfied that the regulation tracks the meaning of the statute and does not violate the intent of the legislation.”

Commonwealth v. Gilmour Mfg. Co., 822 A.2d 676, 679 (Pa. Cmwlth. 2003), order aff'd, 384 A.2d 1103 (Pa. 2003).”

F. According to The Constitutions of the Commonwealth of Pennsylvania (CCP), Article 1, Section 1, “All men are born equally free and independent, and have certain inherent and indefeasible rights.” These rights are inherent and indefeasible because they are derived from duties ascribed to us by our Creator. In order to perform these duties, men must have these rights. This means to all employees of Pennsylvania such, as this court, that these rights cannot be infringed in any degree by any statute or interpretation of statute.

G. CCP Article 1, Section 1 states that among these rights “are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.” Any controller, such as the ITRON controllers installed on homes that is capable of controlling appliances or electrical usage and reporting extremely detailed information that can be analyzed to determine what is going on in the home, violates all aspects of CCP Article 1, Section 1. The only way to interpret this statute and still comply with the Organic Law is for men to volunteer (request) to accept a controller, such as the ITRON controller also known as a “smart meter.”

H. Interfacing with appliances controlling electric usage installed by the Company encroaches on CCP Article 1, Section 1 which states that among these rights “are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.” Any controller, such as the ITRON controller installed on homes, that is capable of controlling appliances

or electrical usage and reporting detailed information that can be analyzed to determine what is going on in the home, violates all aspects of CCP Article 1, Section 1. The only way to interpret this statute and still comply with the Organic Law is for men to volunteer to accept (request) a “smart meter” with full disclosure and informed consent. The risks are so extreme in this matter that it is not safe to assume that passive agreement is sufficient. Agreement to accept a “smart meter” must be active.

I. The Company received grants that were ultimately funded by the United States of America. The terms of those grants have to be interpreted according to the relevant federal statutes, such as the “Energy Policy Act of 2005,” regarding energy and advanced metering and those in turn must comply with the Organic Law of the United States of America: The Bible, The Magna Carta of 1215, The Declaration of Independence – 1776, Articles of Confederation – 1777, Ordinance of 1787: The Northwest Territorial Government, Constitution of the United States of America, Analytical Index to the Constitution of the United States, and The Constitution of the Commonwealth of Pennsylvania.

J. The Fourth Amendment of the Constitution for the United States of America (Fourth Amendment) states “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 warrant 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.” The collection and storage of detailed data clearly violates the Fourth Amendment. The recent decision by the Seventh District Court of these United States of America confirms the data collection as a violation of the Fourth Amendment,

but seems to think it is acceptable to abridge that duty ascribed by the Creator. I completely disagree, as would the Founding Fathers.

K. CCP Article 1, Section 8 states, “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 seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by an oath or affirmation subscribed by the affiant.” The collection and storage of detailed data clearly violates Article 1 Section 8 of the PCC.

L. CCP Article 1, Section 1 states that among these rights “are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.” It is widely known that the “smart meters”, such as the ITRON controller used by the Company, emit radiation to communicate the detailed data use levels of radiation have been proven internationally to interfere with the biological processes of plants, wild animals, pets, and human beings. It is admitted that the radiation levels of the current ITRON controllers meet the antiquated standards of certain agencies. However, those standards are woefully outdated and dangerous.

M. The Declaration of Independence states “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That, to secure these rights, governments are instituted among Men, deriving their just Powers from the consent of the governed.” The collection and storage of detailed data clearly violates the Declaration of Independence. The interpretation of the

statute as implemented by the electric companies and in collusion with the PUC controls and enslaves the people in their own homes. However well-intentioned this collusion between the Company and the PUC may be, the current implementation of Act 129 with regard to advanced metering is unlawful. It is the duty of the PUC by virtue of their oath of office and as an agent of the people to protect *We the People* from that threat.

N. According to the *Executive Summary of First Energy's Pennsylvania Utilities Smart Meter Communications Plan*, the Company states: [emphasis added]

“Under Pennsylvania Act 129, electric utility companies are required to deploy smart meter technology by 2025, with all utilities providing smart meters in new construction **and to all residential, commercial and industrial customers who request them** starting in 2013. FirstEnergy's Pennsylvania utilities – Metropolitan Edison Company (Met-Ed), Pennsylvania Electric Company (Penelec), Pennsylvania Power Company (Penn Power) and West Penn Power Company (West Penn) (called the Companies) – serve approximately two million customers in the Commonwealth of Pennsylvania. The estimated number of meters to be installed by each of the Companies is shown below.” [emphasis added]

The above statement, directly from First Energy's Communication Plan, describes Act 129 is an “opt-in” program, at the customer request! That same above statement makes it clear that the Company has until 2025 to deploy “smart meter technology.” It is deceitful and against the law for the Company to disguise a program to fit their agenda for profit and force the customer into a unilateral contract change without consent.

O. Deploy is a commonly used military term to indicate use of weapons and personnel that will be used against a people. The term deploy is used in the above quote by The Executive Summary of First Energy's Pennsylvania Utilities Smart Meter Communications Plan. While Act 129 of 2008 does not use deploy, The Federal Energy

Policy Act of 2005 does use the term deploy. This implies the weaponized nature of the AMI plan. The ITRON controllers or any other “smart meter” deployed is not in the people’s interest because of the intense collection of private data. It has not been proven at all that the Company has the right to store private data as has been done with the ITRON controller. This is strong evidence as currently being deployed, the AMI plan is focused on Company profit and theft of rights and health from the people. The Company only needs what is necessary to track usage of the amount of electricity for billing and does not have the right to store private data unless the people get full disclosure and informed consent and then the people make a request. Individual personal data that is stored beyond the moment or minutes is an abridgment of CCP Article 1, Section 1, CCP Article 1, Section 8, Fourth Amendment, and the Declaration of Independence. The Smart Meter Plan (SMP) approved by the PUC for the Company must be secondary for the welfare of the people and can be changed to allow installation until 2025 and at the customer request. Any argument that the PUC is forcing the Company to install by mid-2019 is a false argument. The security and safety of the people must take precedence over the SMP, and the statute.

4. Denied.

It is the Company’s *intent* to deploy (a commonly used military term) the weapon, commonly known as a “smart meter,” and breach the Complainant’s current contract with the analog meter and replace it with a unilateral agreement.

It is a fact that the Complainant has health issues, completely ignored by the Company, and wishes to maintain homeostasis in her body. All other conversations

appear to have been audio or manually recorded. The Complainant does not recall being told that the phone calls were being recorded.

House Bill 2200 describes a “smart meter technology” as “technology, including metering technology and network communications technology capable of bidirectional communication.” It is undisputed that there is no way anyone can guarantee that the network of weapons commonly called “smart meters” cannot be hacked by some clever man or woman, a foreign agency, or a domestic agency, or a disgruntled employee of the Company, compromising my security in my home. It is the duty of the PUC by virtue of their oath of office and as an agent of the people to protect we the people.

Number 3, Letters A through O, of this Response to the Amended Answer and New Matter are incorporated by reference as if fully set forth herein.

5. Denied.

It is the duty of the PUC by virtue of their oath of office and as an agent of the people to protect we the people. There is no evidence that the Company did “reasonable investigation”. The Company states to have “knowledge sufficient to form a belief regarding the allegations” yet the Company, in the same sentence, deny the “Complainant’s belief, opinion or requested relief.” The volumes of research and conclusions by scientists and Doctors from all over the world presented in this and previous complaints filed by many of the people of Pennsylvania is easily accessible to both the employees of the PUC and the Company. The evidence provided the PUC and or the Company in previously filed formal complaints by the people of Pennsylvania regarding the safety and the theft of rights is hereby included as though herein, as I was not granted sufficient time to do this as I needed. In short, the PUC and the Company are

only considering their rules, which are subordinate to and in conflict with Act 129, the Constitutions of the Commonwealth of Pennsylvania, and the Constitution for the United States of America.

According to Black's Law Dictionary, Edition 6, *belief* is "conviction of the truth of a proposition, existing subjectively in the mind, and induced by argument, persuasion, or proof addressed to the judgment. *Latrobe v. J. H. Cross Co.*, D.C.Pa., 29 F.2d 210, 212."

Number 3, Letters A through O, of this Response to the Amended Answer and New Matter are incorporated by reference as if fully set forth herein.

6. Admitted. It is admitted that the Complainant answered "NO" in number six (6) of the Amended Formal Complaint regarding Protection from Abuse (PFA).

7. a. Admitted. It is admitted that the Complainant answered "NO" in number seven (7) of the Amended Formal Complaint is not an appeal from a decision of the PUC's Bureau of Consumer Services (BCS). The Complainant did not file an informal complaint.

b. Admitted. It is admitted that the Complainant contacted the Company to refuse the deployment of a "smart meter."

c. Not Applicable.

8. Not Applicable.

9. Not Applicable.

10. Not Applicable.

**NEW MATTER**

11. Admitted.

12. Denied in Part, Admitted in Part.

It is admitted that the Complainant has health issues, completely ignored by the Company, and wishes to maintain homeostasis in her body. All other comments appear to have been audio or manually recorded. Complainant was not told that the phone calls were being recorded.

13. Denied in Part, Admitted in Part.

All statutes, including but not limited to Act 129, must conform to the Organic Law: The Bible, The Magna Carta of 1215, The Declaration of Independence – 1776, Articles of Confederation – 1777, Ordinance of 1787: The Northwest Territorial Government, Constitution of the United States of America, Analytical Index to the Constitution of the United States, and The Constitution of the Commonwealth of Pennsylvania.

It is the duty of the PUC by virtue of their oath of office and as an agent of the people to protect we the people.

It is admitted that Act 129 directed electric distribution companies to file a smart meter technology plan. Section G of House Bill 2200 defines “smart meter technology” as “technology, including metering technology, and network communications technology, capable of bidirectional communication.”

Number 3, Letters A through O, of this Response to the Amended Answer and New Matter are incorporated by reference as if fully set forth herein.

14. Admitted.

15. Denied.

Implementation of the SMP deploying ITRON controllers or any other “smart meter” that might be installed is not in the public’s interest to collect private data. It has not been proven at all that the Company has the right to store private data as has been done with the data being collected by the ITRON controller. The Company only needs what is necessary to track usage of the amount of electricity for billing but does not have the right to store private data unless the people are fully informed and actively request it knowing they are giving up safety and rights to privacy.

All statutes, including but not limited to Act 129, must conform to the Organic Law: The Bible, The Magna Carta of 1215, The Declaration of Independence – 1776, Articles of Confederation – 1777, Ordinance of 1787: The Northwest Territorial Government, Constitution of the United States of America, Analytical Index to the Constitution of the United States, and The Constitution of the Commonwealth of Pennsylvania.

It is the duty of the PUC by virtue of their oath of office and as an agent of the people to protect we the people.

Number 3, Letters A through O, of this Response to the Amended Answer and New Matter are incorporated by reference as if fully set forth herein.

16. Denied.

All statutes, including but not limited to Act 129, must conform to the Organic Law: The Bible, The Magna Carta of 1215, The Declaration of Independence – 1776, Articles of Confederation – 1777, Ordinance of 1787: The Northwest Territorial Government, Constitution of the United States of America, Analytical Index to the

Constitution of the United States, and The Constitution of the Commonwealth of Pennsylvania.

It is the duty of the PUC by virtue of their oath of office and as an agent of the people to protect we the people.

Number 3, Letters A through O, of this Response to the Amended Answer and New Matter are incorporated by reference as if fully set forth herein.

17. Denied.

All statutes, including but not limited to Act 129, must conform to the Organic Law: The Bible, The Magna Carta of 1215, The Declaration of Independence – 1776, Articles of Confederation – 1777, Ordinance of 1787: The Northwest Territorial Government, Constitution of the United States of America, Analytical Index to the Constitution of the United States, and The Constitution of the Commonwealth of Pennsylvania.

It is the duty of the PUC by virtue of their oath of office and as an agent of the people to protect we the people.

Number 3, Letters A through O, of this Response to the Amended Answer and New Matter are incorporated by reference as if fully set forth herein.

18. Admitted, BUT those cases are only relevant in that the evidence provided by the Complainants in those formal complaints is hereby included as if presented here. The PUC and the Company are only considering their rules, which are subordinate to and in conflict with Act 129, the Constitutions of the Commonwealth of Pennsylvania, and the Constitution for the United States of America.

Act 129 is silent on penalties if a people refuses deployment of a “smart meter”, specifically because Act 129 of 2008 states it is at the customer request.

19. Denied.

All statutes, including but not limited to Act 129, must conform to the Organic Law: The Bible, The Magna Carta of 1215, The Declaration of Independence – 1776, Articles of Confederation – 1777, Ordinance of 1787: The Northwest Territorial Government, Constitution of the United States of America, Analytical Index to the Constitution of the United States, and The Constitution of the Commonwealth of Pennsylvania.

It is the duty of the PUC by virtue of their oath of office and as an agent of the people to protect we the people.

Number 3, Letters A through O, of this Response to the Amended Answer and New Matter are incorporated by reference as if fully set forth herein.

20. Admitted in Part, Denied in Part.

Although the Company filed the Amended Preliminary Objection contemporaneously with the Amended Answer and New Matter in this proceeding, a common denominator in the cases referenced by the Company with the PUC is that we the people of Pennsylvania are limited to “any act done by the Company that violates a Commission regulation, statute or order,” hence, no people are receiving just relief. These limitations not only come from the Company, but other electric companies throughout Pennsylvania. The Court is ignoring and violating their duty by virtue of their oath of office and as an agent of the people to protect We the People. It is a Maxim of Law that a statute be interpreted according to the language of the people, not the language of

attorneys. The Court must recognize people as human beings endowed by their Creator with certain unalienable Rights as described by The Declaration of Independence. We are a people, not a fictitious entity or corporation by any stretch of the imagination or definition.

Number 3, Letters A through O, of this Response to the Amended Answer and New Matter are incorporated by reference as if fully set forth herein.

WHEREFORE, Diana Sabatine and We the People of Pennsylvania hereby demand that the Company, West Penn Power Company, PENNSYLVANIA PUBLIC UTILITY COMMISSION, and the Commonwealth of Pennsylvania comply with Act 129 and make deployment of “smart meters” at the customer request, comply with Federal Act 2005 at the customer request, and comply with the Organic Law: The Bible, The Magna Carta of 1215, The Declaration of Independence – 1776, Articles of Confederation – 1777, Ordinance of 1787: The Northwest Territorial Government, Constitution of the United States of America, Analytical Index to the Constitution of the United States, and The Constitution of the Commonwealth of Pennsylvania, so as to refrain from violating the people’s rights. It is the duty of the PUC by virtue of their oath of office and as an agent of the people, to protect we the people. If this Court refuses to protect we the people by virtue of their oath of office and as an agent of the people, then we are in the wrong Court.



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Dated: September 21, 2018

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**DIANA SABATINE**

**v.**

**WEST PENN POWER COMPANY**

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**Docket No. C-2018-3002804**

**CERTIFICATE OF SERVICE (CERTIFICATE OF MAILING)**

I hereby certify that I have this day served a true copy of the Response to the Amended Answer and New Matter of West Penn Power Company upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

According to the United States Postal Service, Certificate of Mailing PS Form 3817 provides evidence of mailing only. It is not considered legal proof.

Service by First Class Mail, postage prepaid, as follows:

Lauren M. Lepkoski, Esquire  
Tori L. Giesler, Esquire  
First Energy Service Company  
2800 Pottsville Pike  
P.O. Box 16001  
Reading, Pennsylvania 19612-6001

Dated: September 21, 2018



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