

September 24, 2018

**Via Electronic Filing  
and  
Via Certified Mail**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Keystone Building, Second Floor W.  
400 North Street  
Harrisburg, PA 17120

**RE: Pamela Scott v. Duquesne Light Company**  
Docket No. C-2018-3004042

Dear Secretary Chiavetta:

Enclosed please find Pamela Scott's Response to Duquesne Light Company's Answer and New Matter to the Formal Complaint referenced above.

A copy of this document has been served via certified mail and via eFiling upon Paul Shane Miller and Jeremy V. Farrell of Tucker Arensberg, who are Respondents on behalf of Duquesne Light Company.

Sincerely,



Pamela Scott  
134 Markham Drive  
Pittsburgh, PA 15228-1008  
(412) 998-8880

Encl: Complainant's Response to Respondent's Answer and New Matter  
Verification  
Certificate of Service



Despite Duquesne Light's claim to the contrary, Act 129 in no way requires installation of advanced digital AMI smart meters as a condition of electric service for 100% of the customers who reside in electric distribution company (EDC) territories that serve over 100,000 residents. Act 129 in no way prohibits opt-outs from EDC's smart meter programs; in fact, there is only provision in the law (Act 129) for customers to opt in. [66 Pa. C.S. Section 2807(f)]. The PUC has both the right and the obligation to address my complaint that Act 129 has been misinterpreted by the PUC and Duquesne Light with regard to requiring forced installation of an advanced digital smart meter as a condition of electric service without proper due diligence or concern regarding the known and unknown negative health and environmental effects associated with AMI smart meter deployment.

Duquesne Light Company is not "required by state law" to install smart meters throughout 100% of its service territory. Further, Duquesne Light falsely claims that Act 129 of 2008 required "upgrading its metering infrastructure" by forcing smart meters on 100% of Duquesne Light's customers. "Copies of the pertinent pages" of Duquesne Light's "added policies to its Tariff" attached as Exhibit A relate to Duquesne Light's right to charge all customers an SMC (Smart Meter Charge), but show no evidence of any requirement to switch its metering infrastructure to 100% installation of smart meters.

Complainant denies Duquesne Light's assertion that installation of a smart meter at the Property would not harm Complainant. Duquesne Light's denial that a smart meter would have an adverse impact on my health is not substantiated by Duquesne Light's statements.

Duquesne Light Company's reference to the "California Council of [sic] Service [sic] and Technology" is egregiously false and contrived. Facts and assertions matter. Duquesne Light simply making stuff up is an unacceptable violation of the public trust and Duquesne Light's responsibilities as an electric utility. Nowhere does the California Council on Science and Technology's (CCST) 2011 industry-biased report that Duquesne Light tries to reference ever support the contention that "smart meters, when installed and maintained properly, result in lower RF emissions than most common household electronic items such as cell phones, microwaves, wireless internet, baby monitors, and garage door openers." In reality, the report states "Wireless smart meters, when installed and properly maintained, result in much smaller levels of radio frequency (RF) exposure than many existing common household electronic devices, particularly cell phones and microwave ovens." That's quite a difference. Further, two

sentences later, the CCST summary report of industry-biased data warns, "Not enough is currently known about potential non-thermal impacts of radio frequency emissions to identify or recommend additional standards for such impacts." [*Health Impacts of Radio Frequency Exposures from Smart Meters*, California Council on Science and Technology, April 2011 - Final Report]. Evidence suggests that the cumulative whole body exposure from smart meters is more than two orders of magnitude higher than that from cell phones.

Regarding Duquesne Light's FCC statements, the CCST takes pain to note that "in some of the studies reviewed, contributors have raised emerging impacts other than the thermal impact that the FCC guidelines address. A report of the National Academies identifies research needs and gaps and recommended areas of research to be undertaken to further understanding of long-term exposure to RF emissions from communication devices, particularly from non-thermal mechanisms." Much evidence has become available since 2011, yet Duquesne Light appears uninterested.

For its smart-meters-are-safe propaganda campaign, Duquesne Light has failed to do due diligence and has ignored scientific evidence of harm from radio frequency (RF) electromagnetic fields, particularly from smart meters **which the customer has no ability to turn off**. Instead, they have cherry-picked and proffered to its customers misquotes and misrepresentations of seriously-flawed, industry-funded, deliberately-biased propaganda of contrived false safety assurances such as "Radio frequency levels for advanced digital meters are significantly lower than most everyday wireless household items, such as cell phones," when in fact smart meter RF emissions are actually many times higher than the exposure from devices like cellphones. [*Understanding Radio Frequency and Your New Meter*, Duquesne Light Company information sheet]. The "Understanding Radio Frequency and Your New Meter" educational brochure that Duquesne Light attached as Exhibit B "discusses these matters" in similar fashion to Duquesne Light's contention that a strong electric surge that destroyed many computers and appliances in my neighborhood on a balmy, dry, sunny Autumn day was weather-related. Duquesne Light urged customers to sign papers and offered cash for them to stop asking questions about what caused their electronics to fry.

Duquesne Light asserts that the World Health Organization (WHO) "has concluded that no adverse health effects have been demonstrated to result from exposure to low-level RF." when, in reality, the WHO's IARC (International Agency for Research on Cancer) in 2011 classified RF

radiation as a Group 2B Possible Human Carcinogen. Many scientists and experts who are WHO advisors believe that evidence now warrants a reclassification as a Group 1 Known Human Carcinogen. Duquesne Light continues to not do due diligence regarding its legal responsibility to provide safe electricity to its customers.

While the radio frequency (RF) radiation emitted by smart meters 24/7 has adverse health effects on all living things, the adverse effects can be devastating for the percentage of the population -- like me -- who suffer from electromagnetic hypersensitivity (EHS). I am entitled to have the opportunity to provide my succinct, convincing evidence as to the actual output of these devices as well as adverse health effects from smart meters. "This decision...finds that a smart meter attached to her home would exacerbate her health condition." [Povacz v. PECO Energy Co., Docket No. C-2015-2475023 (Pa. P.U.C. January 26, 2018) (Heep, ALJ)]

Any indication that the referenced April 7, 2017 Smart Meter Plan "requires Duquesne Light to finish installing residential smart meters, including at the Property, by the end of 2018" appears nowhere in the referenced Smart Meter Plan. Such a contention appears to be arbitrary and made up. Nothing can be found in the Smart Meter Plan that requires Duquesne Light to finish installing residential smart meters in all properties by the end of 2018. In fact, three months later, in correspondence to Complainant dated July 11, 2017, Duquesne Light stated that it "began exchanging existing analog meters with advanced digital meters in 2014 and currently is scheduled to complete the work in 2019." I did receive three form letters from Duquesne Light of their intent to install a smart meter at my property. The first letter was actually dated May 30, 2017, to which I responded on June 6, 2017. The second letter was actually dated August 1, 2017 (not August 2). The third letter was dated May 3, 2018, as stated in the New Matter. For the record, in addition to the correspondence of July 17, 2018 referenced in Response 21 below, Duquesne Light Company and I were additionally engaged in correspondence with one another on the following dates: June 6, 2017; July 11, 2017; and June 26, 2018 regarding advanced metering infrastructure and medical exemptions. I have no knowledge of a field technician attempting to install a smart meter on my property on June 18, 2018, but I am fully aware that a field technician attempted to install a smart meter on my home on August 10, 2018 during a heavy rainstorm, which would expose the socket to water. Such an act appears to be in violation of Duquesne Light's Commission-approved Tariff, applicable safety codes, and recommended practices, raising further concerns about the wisdom of Duquesne Light's smart meter practices. The meter box is locked only to prevent installation of an advanced digital smart meter and

should in no way be construed to be any kind of attempt to deny Duquesne Light clear access. Duquesne Light's letter of July 17, 2018 asked me to contact them no later than July 31, 2018 via phone or email (specific number and email address provided in the letter) to arrange a time for a Duquesne Light technician to install a smart meter. As requested, I responded on July 24, 2018, reminding them of my belief that I had actually been allowed a digital smart meter opt-out due to a medical exemption through 2019 (if not through 2023), and thus meaning there was no need to schedule a meter exchange at the current time. I also wrote that it was my understanding that, given the PUC's misinterpretation of Act 129, state legislators were going to vote on legislation to allow smart meter opt outs in the coming months. The only response from Duquesne Light was simply a "72 hr Shut-Off Notice" taped to my storm door seventeen days later on August 10, 2018. I attempted to contact Duquesne Light by telephone at the number indicated on the 72 hour shut-off notice that same day, Friday, August 10, 2018, but their Business Office was already closed (only open 8-5 M-F). After waiting on hold for over an hour on Monday, August 13, 2018, I spoke with a helpful customer service representative, but the conclusion was that there is no medical exemption allowed, that I had to schedule a technician appointment and have a smart meter installed to avoid shut off, and that I was going to file a formal complaint with the PUC.

Forced installation of an RF-emitting smart meter violates my rights as a Duquesne Light customer under 66 Pa. C.S. Section 1501: *Character of service and facilities*. **"Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. Such service also shall be reasonably continuous and without unreasonable interruptions or delay."** (emphasis added).

By not doing due diligence with respect to the health effects Duquesne Light also fails in its duty to **"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.** [052 Pa. Code Section 57.28 (a)(1) *Electric safety standards.*] (emphasis added).

A quick survey of the jurisdictions outside of Pennsylvania should convince the PUC and the EDCs affected by Act 129 that they continue to be in error and out of step with current wisdom by forcing smart meters on customers with their skewed interpretation of Act 129. Act 129 was meant to reduce energy consumption; smart meters actually consume electricity in amounts that analog meters do not.

My complaint asked for the PUC to not permit Duquesne Light to shut off my service until the dispute regarding the misinterpretation of state law by the PUC and Duquesne Light is resolved either by the PUC correcting course or the state legislature passing legislation forcing the PUC and EDCs to correct course. The Commission could also rectify the situation on its own. Act 129 of 2008 was enacted by the General Assembly "to develop energy efficiency and conservation (EE&C) plans and adopt other methods of reducing the amount of electricity consumed by consumers." [Energy Efficiency & Conservation Information for Your Home information sheet, Pennsylvania Public Utility Commission, April 2017]. As for the current misinterpretation of Act 129 by the PUC and affected EDCs adopting operating policies requiring 100% forced participation in EDC advanced digital smart meter installation, there is no basis or provision for such forced participation anywhere in Act 129.

5. Complainant argues that she is entitled to the relief requested in paragraph 5 of the Formal Complaint for the reasons set forth in the above and below responses. The Commission does indeed have the authority to rectify its misinterpretation of Act 129 and amend its code, regulations, directives, and orders to grant relief to Pennsylvanians who are unfairly selected simply because of their residency in one of seven service territories to be forced to accept smart meters as a condition of electric service. I am entitled to challenge the interjection onto my property of a dangerous device that has characteristics that supersede a meter's purpose of measuring electric service.

#### **Response to Duquesne Light Company's New Matter**

11. The legal and factual grounds cited are insufficient regarding an alleged Act 129 requirement to require 100% forced participation in advanced digital smart meter programs. There is simply no language in Act 129 that "requires" or in any way mandates 100% installation rates in a service territory. The word "deploy" is in no way synonymous with "100% deployment" "throughout" their service territories, and in fact the word "deploy" or "deployment" is never

used anywhere in Act 129. Neither is the word "throughout". There is no mandate from Act 129 requiring any EDC to forcibly deploy smart meters on all of their customers. Nowhere in Act 129 is there any provision for consumers having a lack of meter choice.

12. Act 129 did require electric distribution companies with more than 100,000 customers, including Duquesne Light, to file a smart meter technology procurement and installation plan with the Commission for approval, but Act 129 did not in any way require any EDC, including Duquesne Light, to employ a policy of 100% forced installation of smart meters on all of its customers. Act 129 was passed "to adopt and implement cost-effective energy efficiency and conservation plans to reduce energy demand and consumption". [66 Pa. C.S. Section 2806.1(a)]

13. The PUC and Duquesne Light fast tracked smart meter deployment without doing due diligence with respect to the best interests of Pennsylvania and the intent of Act 129. In addition to not doing due diligence with respect to the negative health and environmental effects associated with smart meters, there is the excessive expense burden placed on Pennsylvanians to pay for advanced smart meter deployment. Duquesne Light should have focused more on the goal of Act 129 "to develop energy efficiency and conservation (EE&C) plans and adopt other methods of reducing the amount of electricity consumed by customers" and less on the expensive deployment of smart meters. The PUC further states, "The General Assembly charged the [PUC] with ... guiding consumers and electric utilities toward achieving the legislation's overall goals of reducing energy consumption and peak electric demand." The assumption that smart meter technology automatically saves energy is false: Smart meters themselves actually consume electricity that analogue meters do not, and Duquesne Light should have protested any efforts to insist on 100% deployment. [Energy Efficiency & Conservation Information for Your Home information sheet, Pennsylvania Public Utility Commission, April 2017]

14. This is a statement referencing Docket No. P-2015-2497267. The Order Entered on April 7, 2017 includes "That the Petition for Approval to Modify the Smart Meter Procurement and Installation Plan filed on August 4, 2015 is denied, in part, in that Duquesne Light Company is not authorized to implement the Automated Distribution Management System because it is not cost effective as proposed." and "Duquesne states that the Commission's Order at *Petition of Duquesne Light Company for Approval of Its Final Smart Meter Procurement and Installation Plan*, Docket No. M-2009-2123948 (Order entered May 6, 2013) (*2013 Smart Meter Order*) at 15, required the Company to evaluate whether including enhanced outage communication,

outage restoration and voltage monitoring in the Company's Smart Meter Plan was cost effective" [Docket No. P-2015-2497267, Petition of Duquesne Light Company for Approval to Modify its Smart Meter Procurement and Installation Plan, Public Meeting held March 2, 2017, pages 31 and 52] . See "expensive" smart meter deployment that Pennsylvanians must pay for in Response 13 above.

15. Any indication that the referenced April 7, 2017 Smart Meter Plan "requires Duquesne Light to finish installing residential smart meters, including at the Property, by the end of 2018" appears nowhere in the referenced Smart Meter Plan. Such a contention appears to be arbitrary and made up. Nothing can be found in the Smart Meter Plan that requires Duquesne Light to finish installing residential smart meters in all properties by the end of 2018. In fact, three months later, in correspondence to Complainant dated July 11, 2017, Duquesne Light stated that it "began exchanging existing analog meters with advanced digital meters in 2014 and currently is scheduled to complete the work in 2019."

16. In reality, Act 129 has only one provision regarding opting: A provision for opting-in. Duquesne Light has not done proper due diligence to protect customers in accordance with its tariffs by failing to petition the PUC to allow for customer opt-outs.

17. The quoted Evans v. PECO Energy Co. (Docket No. C-2013-2368477) Initial Decision before Administrative Law Judge (ALJ) Mark A. Hoyer with respect to the complainants' contention that a smart meter attached to their home poses a fire risk is the 2013 opinion statement of an ALJ and in no way any proof that "use of the word 'shall' in the statutes indicates the General Assembly's direction that all customers will receive a smart meter." It is relevant to note that the use of the word "shall" occurs more than 195 times in Act 129. Further, the sole use of the word "shall" in the vicinity of the term "smart meter" in Act 129 firmly states "shall furnish" not "shall require" and in no way can be logically interpreted to mean that 66 Pa. C.S. Section 2807(f) was meant to require any Pennsylvanian to be forced to have a smart meter. There is no language in Act 129 allowing EDCs to shut off electric service for not having a smart meter on their home. Further, Duquesne Light bringing up this question of fire risk is pertinent to the fact that smart meters in fact do catch on fire in ways that analog meters do not, and that Duquesne Light apparently shows no concern about this in their one-size-fits-all forced deployment. Likewise, with the "Smart Meter Procurement and Installation Implementation Order, Docket No. M-2009-2092655 (entered June 24, 1009)", Commission stated belief is not a

legal excuse for misapplying and misinterpreting state law. There is simply no language in Act 129 that requires smart meters to be deployed "system-wide". The term "system-wide" appears nowhere in Act 129, nor does any terminology approaching the definition of 100% "system-wide" deployment of smart meters appear in Act 129. Again, as pointed out in Response 11 above, Act 129 never uses the words "deploy" or "deployment". Act 129 actually uses the word "furnish" with respect to smart meter technology. [66 Pa. C.S. Section 2807(f)(2)] and there is no hint of there being a perceived need for widespread deployment to achieve Act 129's goal of reduced electricity use. Newspaper articles and statements by General Assembly members during the time of Act 129's adoption clearly show that it was not the intent of the General Assembly to require all covered EDCs to deploy smart meters on all customers. I am entitled to present evidence at a hearing to prove this.

18. Simply put, this is not simply about misinterpretation of the Act 129 legislation. It is about the misleading information, bullying tactics, decisionmaking process, lack of transparency, and mechanisms that the PUC, Duquesne Light, and other EDCs are employing with regard to furnishing advanced digital AMI smart meter technology in Pennsylvania. I am entitled to the opportunity to present this case before the Commission for the public good. Stating that "there is no provision in the Code, the Commission's Regulations, or Commission Orders that permits a customer to opt out of having a smart meter installed on his or her premises" overlooks the fact that there is no provision in state law that requires a customer to be forced to have a smart meter installed on his or her premises.

19. I did receive three form letters from Duquesne Light of their intent to install a smart meter at my property. The first letter was actually dated May 30, 2017, to which I responded on June 6, 2017. The second letter was actually dated August 1, 2017 (not August 2). The third letter was dated May 3, 2018, as stated in the New Matter. For the record, in addition to the correspondence of July 17, 2018 referenced in Response 21 below, Duquesne Light Company and I were additionally engaged in correspondence with one another on the following dates: June 6, 2017; July 11, 2017; and June 26, 2018 regarding advanced metering infrastructure and medical exemptions.

20. I have no knowledge of a field technician attempting to install a smart meter on my property on June 18, 2018, but I am fully aware that a field technician attempted to install a smart meter on my home on August 10, 2018 during a heavy rainstorm, which would expose the socket to

water. Such an act appears to be in violation of Duquesne Light's Commission-approved Tariff, applicable safety codes, and recommended practices, raising further concerns about the wisdom of Duquesne Light's smart meter practices.

21. The meter box is locked only to prevent installation of an advanced digital smart meter and should in no way be construed to be any kind of attempt to deny Duquesne Light clear access. Duquesne Light's letter of July 17, 2018 asked me to contact them no later than July 31, 2018 via phone or email (specific number and email address provided in the letter) to arrange a time for a Duquesne Light technician to install a smart meter. As requested, I responded on July 24, 2018, reminding them of my belief that I had actually been allowed a digital smart meter opt-out due to a medical exemption through 2019 (if not through 2023), and thus meaning there was no need to schedule a meter exchange at the current time. I also wrote that it was my understanding that, given the PUC's misinterpretation of Act 129, state legislators were going to vote on legislation to allow smart meter opt outs in the coming months. The only response from Duquesne Light was simply a "72 hr Shut-Off Notice" taped to my storm door seventeen days later on August 10, 2018.

22. I attempted to contact Duquesne Light by telephone at the number indicated on the 72 hour shut-off notice that same day, Friday, August 10, 2018, but their Business Office was already closed (only open 8-5 M-F). After waiting on hold for over an hour on Monday, August 13, 2018, I spoke with a helpful customer service representative, but the conclusion was that there is no medical exemption allowed, that I had to schedule a technician appointment and have a smart meter installed to avoid shut off, and that I was going to file a formal complaint with the PUC.

23. The statement that "State law does not allow Complainant to opt out of Duquesne Light's smart meter program" is false. The Commission's directives and state law are separate, and are not one and the same. As stated throughout my formal complaint and in these responses, Duquesne Light's statement that Duquesne Light is "complying with the law" by forcing smart meters on Pennsylvanians' properties is actually in violation of Act 129's intent and content. Clear evidence of misinterpretation of Act 129 by the PUC and Duquesne Light is supported by the lack of specific citation here of any law, code, directive, regulation, or order to be complied with regarding smart meter acceptance being a condition of electrical service.

24. My case should not be dismissed because **the Commission does indeed have the authority**

**to rectify its misinterpretation of Act 129 and amend its code, regulations, directives, and orders to grant relief to Pennsylvanians who are unfairly selected simply because of their residency in one of seven service territories to be forced to accept smart meters as a condition of electric service.**

25. and 26. I have done nothing to obstruct Duquesne Light's access to my property's premises for the purpose of reading Company meters, for inspection and repairs, for removal of Company property, or for any other purpose incident to electric service, therefore I have in no way violated Rule 22 of Duquesne Light's Commission-approved Tariff. I am simply refusing installation of a smart meter, and in no way refusing access; the meter box is locked only to prevent installation of an advanced digital smart meter and should in no way be construed to be any kind of attempt to deny Duquesne Light clear access.

27. and 28. I have done nothing to prevent Duquesne Light from gaining admittance to the premises for the purpose of reading meters, making repairs, making inspections, or removing Company property, therefore I have in no way violated Rule 33 of Duquesne Light's Commission-approved Tariff. Neither Rule 22 or Rule 33 say anything about allowing access for Duquesne Light to install a radiation-emitting surveillance device as a condition of service. I am not refusing access; I am refusing installation of an advanced digital AML smart meter.

29. The willingness to cooperate with a complainant to install a smart meter at another location on the property and not on the house itself "in an effort to minimize any concerns Complainant has regarding smart meters" appears to be a recognition by Duquesne Light that there are indeed known and unknown adverse health and safety consequences associated with smart meters and that a policy of forced deployment of them on 100% of seven EDC's customers should be revisited by the Pennsylvania Public Utility Commission for the benefit of Duquesne Light's economic well-being, and the well-being of its Pennsylvania customers. Act 129 was passed "to adopt and implement cost-effective energy efficiency and conservation plans to reduce energy demand and consumption". [66 Pa. C.S. Section 2806.1(a)] It was not passed to force unvetted technology such as smart meters on all Pennsylvanians that are served by seven particular EDCs as a condition of electric service.

WHEREFORE, Complainant Pamela Scott respectfully requests that the Pennsylvania Public Utility Commission reject Duquesne Light Company's request to deny the relief sought and that

my case be allowed to move forward.

Respectfully submitted,

A handwritten signature in cursive script that reads "Pamela Scott". The signature is written in black ink and is positioned above a horizontal line.

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Pamela Scott, Complainant  
134 Markham Drive  
Pittsburgh, PA 15228-1008  
(412) 998-8880



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PAMELA SCOTT	:	
	:	
Complainant,	:	
	:	
vs.	:	Docket No. C-2018-3004042
	:	
DUQUESNE LIGHT COMPANY	:	
	:	
Respondent.	:	

**CERTIFICATE OF SERVICE**

I, Pamela Scott, hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a party).

**VIA ELECTRONIC FILING AND CERTIFIED MAIL:**

Paul Shane Miller & Jeremy V. Farrell  
Tucker Arensberg  
1500 One PPG Place  
Pittsburgh, PA 15222

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

Dated this 24th day of September, 2018



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Pamela Scott  
134 Markham Drive  
Pittsburgh, PA 15228-1008  
(412) 998-8880