

Barbara McDonald
243 East Broad Street
East Stroudsburg, PA 18301
(718) 820-3004

September 28, 2018

VIA E-FILE

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

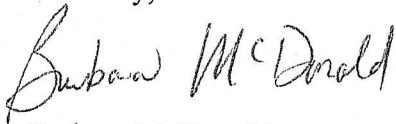
In Re: Barbara McDonald v. Metropolitan Edison Company
Docket No. C-2018-3003758

Dear Secretary Chiavetta:

Attached is my Reply to the Preliminary Objections and Answer to New Matter in the above-referenced matter. This document has been served on the Respondent as shown in the Certificate of Service.

Please feel free to contact me with any questions.

Sincerely,



Barbara McDonald

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Barbara McDonald

v.

Metropolitan Edison Company

:
:
:
:
:
:
:

Docket No. C-2018-3003758

**Reply To Preliminary Objections Of
Metropolitan Edison Company**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

I, Barbara McDonald (“Complainant”), is responding to Metropolitan Edison Company (“Met-Ed”) Preliminary Objections as follows:

I. Introduction

1. Agreed. Due to health reasons.
2. Agreed in part and denied in part. Agreed, there is an Act 129 of 2008 (“Act 129”). However, I am not able to confirm or deny some of the allegations in Paragraph 2. Denied in part that nowhere in Act 129 does it require deployment of a meter which is harmful to consumers health or to consumers with medical conditions.
3. Agreed in part and denied in part. I discussed with Met-Ed that the Smart Meter would be detrimental to my health. Agreed on the part that I filed a formal complaint.
4. Denied. Met-Ed’s installation of an RF emitting, transient- and harmonic-producing Smart Meter on my home would be detriment to my health which would be in violation of 66 Pa.C.S. § 1501 and § 1502. In addition, Met-Ed’s

Smart Meter is an unsafe delivery of electricity to my property and is harmful to my health. I will also be filing along with this Reply an Amended Formal Complaint that Met-Ed's delivery of electric service to Complainant residence is not safe. In addition, Met-Ed's forced deployment of an RF emitting, transient- and harmonic-producing Smart Meter would be harmful to the health of Complainant. Furthermore, Act 129 does not mandate that Met-Ed install RF emitting Smart Meters to medically vulnerable persons. In fact, Act 129 does not mandate RF emitting Smart Meters whatsoever. The Commission has the jurisdiction to hear allegations of violations of 66 Pa.C.S. § 1501 and § 1502. In addition, I am very concerned regarding the safety of my home, due to reports of many house fires after installation of the Smart Meters. As it stands, my meter would be located next to 300 gallon of propane tanks. Should this device ever be installed, I will hold Met-Ed directly responsible should there ever be any damages caused by their Smart Meter, including explosions and fire. It is my understanding that Smart Meters give off a constant RF radiation/ EMFs and there is no way to turn it off or adjust it. The public Utility Code and the Commission's regulations require that regulated utilities like Met-Ed furnish and maintain adequate, efficient, safe, and reasonable service and facilities 66 Pa. C.S. Section § 1501 and § 1502; 52 Pa Code Section 57.194.

5. Denied. As a result, the Complainant request that the Preliminary Objections be denied and that the Commission:
 - a. Grant Complainant requests for remediation from the unsafe electrical supply to my residence and an accommodation from the installation of an

Electro Magnetic Field (EMF) and Radio Frequency (RF) radiation /RF emitting, transient- and harmonic-producing Smart Meter;

- b. Accept the Formal Complaint in its entirety as amended; and,
- c. Grant Complainant such other relief as may be just and reasonable under the circumstances.

II. Met-Ed's Background

- 6. Admitted.
- 7. Denied. I contacted Met-Ed because I did not want a Smart Meter which would harm my health. Exposure to RF radiation is known to exacerbate certain medical conditions, including the ailments suffered by Complainant.
- 8. Agreed.
- 9. Question directed to PUC.

III. Met-Ed's Argument

- 10. This requires a legal conclusion.
- 11. This requires a legal conclusion.
- 12. Admitted.
- 13. Admitted in part and denied in part. First sentence is admitted. Second and third sentence are denied. Met-Ed has violated 66 Pa.C.S. In addition Met-Ed is in violation of § 1501 and §1502 wherein it states:

§ 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. Such service and facilities shall be in conformity with the regulations and orders of the commission. Subject to the provisions of this part and the regulations or orders of the commission, every public utility may have reasonable rules and regulations governing the conditions under which it shall be required to render service. Any public utility service being furnished or rendered by a municipal corporation beyond its corporate limits shall be subject to regulation and control by the commission as to service and extensions, with the same force and in like manner as if such service were rendered by a public utility. The commission shall have sole and exclusive jurisdiction to promulgate rules and regulations for the allocation of natural or artificial gas supply by a public utility; and

§ 1502 Discrimination in service

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.

Met-Ed threats are in violation making consumers including me make the unreasonable choice of either going without electricity or accepting a metering device which is harmful to my health.

14. Admitted.
15. Admitted in part and denied in part. Complainant denies the allegations of the last sentence in full. Complainant Amended Formal Complaint challenges the provision of Met-Ed's service that is not harmful to me. Met-Ed is forcing me to use a device that is detriment to my health and should be a crime. Moreover, the deployment of a RF emitting Smart Meter is not required by Act 129, moreover, especially if it is damaging to one's health or to one with health conditions.
16. Denied. All of the cited cases in the footnotes were heard before the Susan Kreider decision in January of 2016 where the Commission held that Ms. Kreider had a right to a hearing on the harmful effects of the AMI metering under 66 Pa.C.S. § 1501 and § 1502. By way of further answer, Complainant is asking to keep her safe Analog Meter that will not harm her health as per Pa.C.S. § 1501 and § 1502.
17. Denied. Complainant is asking for an accommodation based upon her medical conditions to not have an RF emitting, and transient- and harmonic-producing

device installed on the property in violation of Met-Ed's responsibilities under 66 Pa.C.S. § 1501 and § 1502, in addition to requesting remediation of the unsafe delivery of electricity on my property which could also cause an explosion.

Therefore, Complainant's Complaint as amended must not be dismissed. As a matter of law, Met-Ed must furnish electricity which is safe for Complainant.

Met-Ed is not permitted to install a Smart Meter on a Complainant residence which would be harmful to Complainant health. In fact, Met-Ed is trying to force me to accept a meter which will be severely harmful to my health. They have also told me that if I do not accept the Smart Meter that they will turn off my electricity.

18. Denied. Act 129 was an opt-in law. The word "opt-out" was not mentioned in the ACT nor was the word "mandate" included. It was the Commission's misinterpretation of ACT 129 where it "believed" this was the intention of the General Assembly and incorrectly used a statement about a depreciation schedule as the reason.

19. Denied. I suffer from electro-hypersensitivity, a recognized functional disability. To subject me to an unsafe RM emitting device is horrible. For Met-Ed to subject me and its customers to a device that harms its customers is just incomprehensible. I am not the only one being affected. See for example: Kreider vs PECO – C-2015-2469655 (hearing held on March 9, 2016) Murphy vs PECO – C-2015-2475726 (hearings held on several dates in 2016, 2017).

Paul vs PECO – C-2015-2475355 (hearing held in the fall 2016)

Povacz vs PECO – C-2015-2475023 (hearings held on several dates in 2016, 2017).

McKnight vs PECO – C-2017-2621057 (hearing held spring 2018)

Bachman vs PECO – C-2017-2623504 (will proceed to a hearing)

Hriadal vs Duquesne Light – C-2016-2571726 (will proceed to a hearing)

20. This proceeding is in the public interest. If such a device is detrimental to one's health, then it is Met-Ed's responsibility to prove otherwise."
21. Admitted in part and denied in part. I like many other people suffer from electro-hypersensitivity, which is a known as a disability. The *Kreider* case was heard on March 9, 2016. The Van Schoycks withdrew their Complaint because they went off grid. Complainant has stated the specific health effects in my complaint/ Amended Formal Complaint which is incorporated herein by reference. Just to name a few my electro-hypersensitivity consists of tingling, burning sensations, headaches and insomnia, heart palpitations, etc.
 - a. See for example: Randall-Albrecht vs PECO – C-2016-253766. See also the following cases where the customers allege that they suffer from electro-hypersensitivity and were granted hearings.

Bachman vs PECO – C-2017-2623504

Hriadal vs Duquesne Light – C-2016-2571726

Kreider vs PECO – C-2015-2469655

McKnight vs PECO – C-2017-2621057

Murphy vs PECO – C-2015-2475726

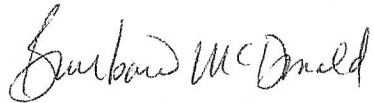
Paul vs PECO – C-2015-2475355

- b. Sentences 6 and 7 are denied. In my Amended Formal Complaint, I do allege specific factual health or other effects in which an RF emitting Smart Meter would promote further harm to me. Further, as proof there are others just like me who are being harmed and having the same conditions.
22. Denied. Mr. Jackson's case was dismissed which would seem to be a miscarriage of justice. He was a pro se complainant, and should have been given more consideration as such. Mr. Jackson filed his Response late, and two weeks after that, the ALJ dismissed his case. Mr. Jackson claimed health concerns in his late Response - his wife was a breast cancer survivor and she did not need a radiation device attached to their home.
23. Denied. See my responses to #16 and #21. See also my amended complaint.
24. Denied. See my responses to #16 and 21 above.
25. Denied. It does not give Met-Ed the authority to install Smart Meters to harm its consumers who have health problems and in which it can make the health issue worse.
26. Denied. Met-Ed's installation of an RF emitting, transient- and harmonic-producing Smart Meter on my home would be detriment to my health which would be in violation of 66 Pa.C.S. § 1501 and § 1502 . In addition, Met-Ed's Smart Meter is an unsafe delivery of electricity to my property and is harmful to my health.

IV. Conclusion

WHEREFORE, Complainant respectfully request that the Commission deny Met-Ed's Preliminary Objections and 1) grant Complainant request for remediation of unsafe delivery of electricity to my property, and an accommodation from the installation of an RF emitting, transient- and harmonic-producing Smart Meter; 2) allow the Formal Complaint in its entirety as amended to proceed; and, 3) grant such other relief as may be just and reasonable under the circumstances. In this case, I believe that a fair and impartial hearing should be granted.

Barbara McDonald

A handwritten signature in cursive script that reads "Barbara McDonald".

Dated: September 28, 2018

ANSWER TO NEW MATTER

1. Admitted.
2. Admitted.
3. Admitted
4. (a): Admitted in part and denied in part. It is Admitted that, Met-Ed (Metropolitan Edison Company) did say they would turn off my electricity if I did not comply with installing a Smart Meter. Act 129 of 2008 (“Act 129”) did not say such device should be place on such persons as with a health problem or condition. Third, when I called Met-Ed, I told the representative that a Smart Meter will be detriment to my health and that I am sensitive to Electro Magnetic Field (EMF) and Radio Frequency (RF) radiation. Complainant specifically denies that Act 129 requires the deployment of radio frequency on persons who are sensitive to Electro Magnetic Field (EMF) and Radio Frequency (RF) radiation and/or have health conditions. Met-Ed actions has not been reasonable and will be causing me harm by allowing me to be exposed to Electro Magnetic Field (EMF) and Radio Frequency (RF) radiation against my will in violation of §1501 and §1501. In short, Met-Ed wants me to choose between my health and a Smart Meter or no Electricity.

4(b): Denied. Attached to my filed complaint is a list of the effects that Electro Magnetic Field (EMF) and Radio Frequency (RF) radiation causes to my body. This is a fact and not a belief. In fact, along with these current documents will be an Amended Formal complaint. It is also Denied that the company is not without information. I did state in my attachment the harmful effects of the Smart Meter. Even worse, to be exact, so many consumers are complaining about the same health effects. However, Met-Ed has chosen to turn a “blind eye”. There are so many consumers complaining of the same situation.

It is a fact that I am sensitive to Electro Magnetic Field (EMF) and Radio Frequency (RF) radiation.

5. Denied. Listed in my complaint is an attachment which lists my ailments brought on by Electro Magnetic Field (EMF) and Radio Frequency (RF) radiation. It is not a belief. It is a fact. Many people have complained of its health effects. Complainant demands proof thereof from Met-Ed , if relevant, at a hearing information regarding their Smart Meters.
6. Denied.
7. a. Admitted

b. Admitted in part and denied in part. Admitted I contacted Met-Ed to let them know of my health and the effects that the Smart Meter would have on my health if installed and to see if there was a way for me to keep my Analog Meter.

c. Not applicable
8. Not applicable.
9. Not applicable
10. Not applicable

New Matter – Legal insufficiency

11. Not applicable.
12. Admitted in part and denied in part. Fact: I contacted Met-Ed to let them know that a Smart Meter would be detriment to my health. I was told no, and that if I refused, my electricity would be turned off. I then filed a Formal Complaint.
13. Denied. Act 129 does not state that Smart Meters should be place on consumers home that have a sensitivity to Electro Magnetic Field (EMF) and Radio Frequency (RF) radiation and/or health


problems. The PUC has jurisdiction to hear, and which, in fact, mandates the PUC to hear this formal complaint, taking all my allegations as true.

14. Denied. Act 129 does not state that Smart Meters should be place on consumers home that have a sensitivity to Electro Magnetic Field (EMF) and Radio Frequency (RF) radiation. The order would not grant the harming of individuals with sensitivity to Electro Magnetic Field (EMF) and Radio Frequency (RF) radiation and or those with health problems. The PUC has jurisdiction to hear, and which, in fact, mandates the PUC to hear this formal complaint, taking all my allegations as true.
15. Admitted in part and denied in part. It is admitted that no previous complaints were filed except for the one on July, 30, 2018. Reason: I was not living in Pennsylvania at the time the SMP was passed/approved and was unaware that Met-Ed had implemented these Smart Meters that harms its consumers.
16. Denied. There is nothing in Act 129 which mandates its consumers be subject to RF emitting and harmonic transient producing meters/ high Electro Magnetic Field (EMF) and Radio Frequency (RF) radiation, especially those that are sensitive to EMF/Radiation such as Complainant.
17. Denied insofar as Met-Ed has omitted many relevant Commission precedents from January 2016 and beyond which have held that the Commission must grant hearings to complainants who are similarly situated. Met-Ed is in violation of harming consumers health and is in violation of §1501 and §1502.
18. Denied. Act 129 did not mandate Smart Meters. The Commission mis-interpreted the Act.
19. Denied. My Amended Complaint filed contemporaneously with my responses to Met-Ed's Answer and New Matter and to Preliminary Objections set forth substantial allegations of violations of §1501 and §1502 as regards my health and safety. Section §1501 of the Public Utility Code states: **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. Section 1502 states, No public utility shall, as to service, make or grant any...unreasonable prejudice or disadvantage.

20. Wherefore, Complainant asks that her formal complaint NOT be dismissed with prejudice, but be permitted to go to hearing in the future, and that the Commission grant Complainant such other relief as is just and reasonable under the circumstances.

Respectfully submitted,

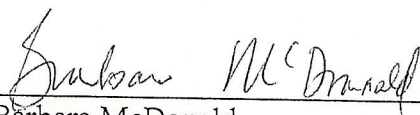

Barbara McDonald

Dated: 9/28/18

VERIFICATION

I, Barbara McDonald, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter.

I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



Barbara McDonald
Complainant

Date: September 28, 2018

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Barbara McDonald

v.

Metropolitan Edison Company

:
:
:
:
:
:
:

Docket No. C-2018-3003758

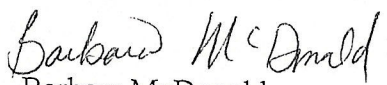
Certificate Of Service

I hereby certify that I have this day served a true copy of the Reply of Barbara McDonald to Preliminary Objections and Answer to New Matter of Metropolitan Edison Company upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54.

Service by E-file/ Certified Mail Return Receipt, as follows:

Lauren M. Lepkoski
Tori L. Giesler
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, PA 19612-6001

Dated: September 28, 2018


Barbara McDonald
243 East Broad Street
East Stroudsburg, PA 18301