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WRITTEN REBUTTAL TESTIMONY

DATE: 9-24-18.

2018 OCT 15 AM 10:31

PA PUC  
SECRETARY'S BUREAU  
Kim Betchy v. West Penn Power Company, Docket # C-2018-3000257

Lauren Lepkoski, Judge Jeffery Watson;

Enclosed my responses to your letter dated 9-17-18 in regards to your production of documents.

Also, enclosed EXHIBIT - S, RPD, Dated 7-27-18 to WPPC, refer to 1 thru 7.

1. I see no proof that the smart meters are U.L. CERTIFIED.
2. I sent several independent studies that show that there is not a savings, it appears that no one took the time to research it.
3. The power company may not be aware of such regulations, but the PUC is aware of them and that they could not provide that to me, knowing that the PUC cannot alter, change, make it's own rules or to override a passed HOUSE BILL and to force a smart meter on us.
4. I sent several independent studies that smart meters do catch on fire and that they do burn homes down.
5. You could not provide a document showing that the smart meters are MANDATORY. and I understand why, cause smart meters are not MANDATORY. Refer to Exhibit - Q, the Legislative Journal, session of 2008. Senator FUMO states In addition, we did not MANDATE smart meters.
6. Your not aware, that's because there is no document stating that you can release our personal Data with out customers CONSENT. Refer to Exhibit- O, MUST HAVE CUSTOMERS CONSENT. Also Exhibit-P, HOUSE BILL, NO. 1563 states again, WITH CUSTOMER CONSENT. You do not have CUSTOMERS CONSENT.
7. It appears that you could not provide a document that the smart meters that are on our homes are U.L. regulated/ certified. What you provided was a print out from the internet, Attachment A, which is unexceptable, because you rejected all of my research studies that were conducted by the internet Harvard Medical Doctors and independent studies, Professors and so on.

Does WPPC have a subpoena to spy, record, collect my personal Data and release it to other parties with out my consent? Of course not! It's illegal what is being done and your violating my RIGHTS.

We further not need to drag this out any longer cause it all comes down to one important thing

and that is that the smart meters were never ( MANDATORY ). I see no need for witnesses, we must not waste the courts time and ratepayers dollars, cause this is not necessary since the smart meters were never MANDATED. I am not interested in hearing what your witnesses may have to say, it's just a waste of time for everyone involved. I prefer to believe the Research Studies over 2,000 of them. But nothing is more important than the fact that the smart meters were never MANDATED, that will be the only thing I care to focus on and that I never gave my signature nor did I give my consent to record and release my personal Data to anyone.

Kim Betchy

A handwritten signature in black ink, appearing to read "Kim Betchy". The signature is written in a cursive style with a large initial "K" and a distinct "B".

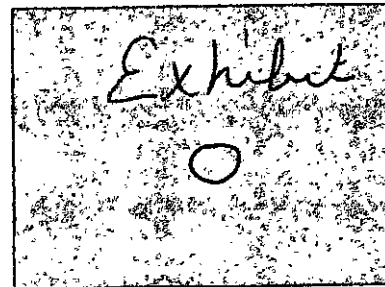
PUBLIC UTILITY CODE (66 PA.C.S.) - OMNIBUS AMENDMENTS  
Act of Oct. 15, 2008, P.L. 1592, No. 129  
Session of 2008  
No. 2008-129

Cl. 66

HB 2200

AN ACT

Amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for director of operations, secretary, employees and consultants; repealing provisions relating to office of trial staff; further providing for bureaus and offices; providing for other bureaus, offices and positions; further providing for electric utility definitions; providing for energy efficiency and conservation program and for energy efficiency and conservation; further providing for duties of electric distribution companies and for market power remediation; and providing for procurement, for additional alternative energy sources and for carbon dioxide sequestration network.



The General Assembly recognizes the following public policy findings and declares that the following objectives of the Commonwealth are served by this act:

- (1) The health, safety and prosperity of all citizens of this Commonwealth are inherently dependent upon the availability of adequate, reliable, affordable, efficient and environmentally sustainable electric service at the least cost, taking into account any benefits of price stability over time and the impact on the environment.
- (2) It is in the public interest to adopt energy efficiency and conservation measures and to implement energy procurement requirements designed to ensure that electricity obtained reduces the possibility of electric price instability, promotes economic growth and ensures affordable and available electric service to all residents.
- (3) It is in the public interest to expand the use of alternative energy and to explore the feasibility of new sources of alternative energy to provide electric generation in this Commonwealth.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 305(a) of Title 66 of the Pennsylvania Consolidated Statutes is amended to read:

§ 305. Director of operations, secretary, employees and consultants.

(a) Director of operations.--The commission may appoint a director of operations who shall serve at the pleasure of the commission and shall be responsible for the day-to-day administration and operation of the bureaus and offices of the commission, except that the director of operations shall have responsibility for the [Office of Trial Staff] prosecutorial function only with regard to administrative matters.

\* \* \*

Section 1.1. Section 306 of Title 66 is repealed:

[§ 306. Office of Trial Staff.

(a) General rule.--The Office of Trial Staff to the Pennsylvania Public Utility Commission is hereby created. The Director of Trial Staff, who shall be the chief prosecutor of the commission, shall be appointed by the commission and hold office at its pleasure. The commission shall assign a permanent staff of such legal, technical and other employees of the commission as may be required for the proper conduct of the work of the Office of Trial Staff. Employees assigned to the Office of Trial Staff shall be under the supervision of the Director of Trial Staff and shall not be assigned to any duties other than with the Office of Trial Staff, except as the commission may on a temporary case-by-case basis permit where the performance of such other duties will not represent, or create the appearance of, a conflict of interest. The commission may designate employees of the Office of Trial Staff to serve as deputies to the Director of Trial Staff. The Director of Trial Staff may recommend persons for consideration by the commission as employees under his supervision. Attorneys assigned to the Office of Trial Staff may be removed by the commission only for good cause. The compensation of the Director of Trial Staff and the employees under his supervision shall be fixed by the commission. The Director of Trial Staff shall report and be responsible directly to the commission, provided that the Director of Trial Staff shall be responsible to the commission through the Director of Operations only for purposes of administrative matters.

(b) Power and duties.--

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that no costs related to the rates are borne by other customers or customer classes. If no costs related to the rates are borne by other customers or customer classes, the commission shall approve the contract within 90 days of its filing, or it shall be deemed approved by operation of law upon expiration of the 90 days. Information submitted under this paragraph shall be subject to the commission's procedures for the filing of confidential and proprietary information.

(ii) For purposes of providing service under this paragraph to customers with a peak demand of 20 megawatts or greater at one meter at a location within that distribution company's service territory, an electric distribution company that has completed its restructuring transition period as of the effective date of this paragraph may, in its sole discretion, acquire an interest in a generation facility or construct a generation facility specifically to meet the energy requirements of the customers, including the electric requirements of the customers' other billing locations within its service territory. The electric distribution company must commence construction of the generation facility or contract to acquire the generation interest within three years after the effective date of this paragraph, except that the electric distribution company may add to the generation facilities it commenced construction or contracted to acquire after this three-year period to serve additional load of customers for whom it commenced construction or contracted to acquire generation within three years. Nothing in this paragraph requires or authorizes the commission to require an electric distribution company to commence construction or acquire an interest in a generation facility. The electric distribution company's interest in the generation facility it built or contracted to acquire shall be no larger than necessary to meet peak demand of customers served under this subparagraph. During times when the customer's demand is less than the electric distribution company's generation interest, the electric distribution company may sell excess power on the wholesale market. At no time shall the costs associated with the generating facility interests be included in rate base or otherwise reflected in rates. The generation facility interests shall not be commission-regulated assets.

(6) A default service plan approved by the commission prior to the effective date of this section shall remain in effect through its approved term. At its sole discretion, the default service provider may propose amendments to its approved plan that are consistent with this section, and the commission shall issue a decision whether to approve or disapprove the proposed amendments within nine months of the date that the amendments are filed. If the commission fails to issue a final order within nine months, the amendments shall be deemed to be approved and the default service provider may implement the amendments as filed.

(7) The default service provider shall offer residential and small business customers a generation supply service rate that shall change no more frequently than on a quarterly basis. All default service rates shall be reviewed by the commission to ensure that the costs of providing service to each customer class are not subsidized by any other class.

(f) Smart meter technology and time of use rates.--

(1) Within nine months after the effective date of this paragraph, electric distribution companies shall file a smart meter technology procurement and installation plan with the commission for approval. The plan shall describe the smart meter technologies the electric distribution company proposes to install in accordance with paragraph (2).

(2) Electric distribution companies shall furnish smart meter technology as follows:

(i) Upon request from a customer that agrees to pay the cost of the smart meter at the time of the request.

(ii) In new building construction.

(iii) In accordance with a depreciation schedule not to exceed 15 years.

(3) Electric distribution companies shall, with customer consent, make available direct meter access and electronic access to customer meter data to third parties, including electric generation suppliers and providers of conservation and load management services.

(4) In no event shall lost or decreased revenues by an electric distribution company due to reduced electricity consumption or shifting energy demand be considered any of the following:

(i) A cost of smart meter technology recoverable

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1563 Session of 2017

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INTRODUCED BY REESE, BOBACK, V. BROWN, DUNBAR, EMRICK, GABLER, GILLEN, GROVE, PHILLIPS-HILL, JAMES, KAUFFMAN, METCALFE, B. MILLER, ORTITAY, PETRARCA, PICKETT, READSHAW, SACCONI, SONNEY, STAATS, WALSH, WARD AND WARNER, JUNE 16, 2017

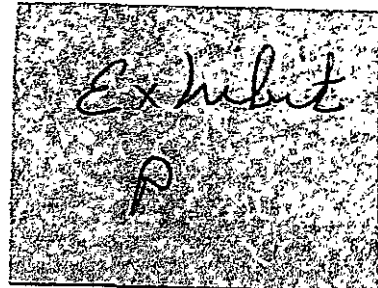
REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JUNE 16, 2017

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania  
2 Consolidated Statutes, in restructuring of electric utility  
3 industry, further providing for duties of electric  
4 distribution companies.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Section 2807(f)(3) of Title 66 of the  
8 Pennsylvania Consolidated Statutes is amended to read:  
9 § 2807. Duties of electric distribution companies.



10 \* \* \*

11 (f) Smart meter technology and time of use rates.--

12 \* \* \*

13 (3) (i) Electric distribution companies shall, with  
14 customer consent, make available direct meter access and  
15 electronic access to customer meter data to third  
16 parties, including electric generation suppliers [and],  
17 providers of conservation and load management services[.]  
18 and government agencies.

1           (ii) Notwithstanding subparagraph (i), customer  
2 consent shall not be required if:

3           (A) the information is released to comply with a  
4 subpoena or order issued by a court or regulatory  
5 agency;

6           (B) the information is released on a  
7 confidential basis in the context of an  
8 administrative proceeding involving a customer  
9 complaint;

10           (C) the information is released in aggregated  
11 form; or

12           (D) there is an emergency situation involving an  
13 imminent threat to public health or safety.

14           \* \* \*

15           Section 2. This act shall take effect in 60 days.

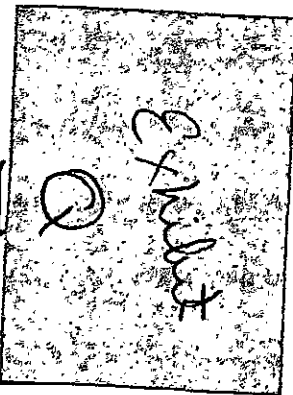
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COMMONWEALTH OF PENNSYLVANIA

Legislative Journal



WEDNESDAY, OCTOBER 8, 2008

SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 64

SENATE

WEDNESDAY, October 8, 2008

The Senate met at 10 a.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Joseph B. Scarnati III) in the Chair.

PRAYER

The Chaplain, Reverend LOUIS BUTCHER, of Brightside Baptist Church, Lancaster, offered the following prayer:

Let us pray.

Our father and our God, we come today with thanksgiving in our hearts and praise on our lips to You, the sovereign of the universe. We observe Your handiwork, and we certainly stand in awe. You are truly an awesome God. Today, we have much to be thankful for. First, You have smiled upon this nation and its people. Despite our problems, we remain the land of the free and the home of the brave. You have endowed us with life, liberty, and the pursuit of happiness, which has made us the greatest nation on Earth.

We come now to ask Your blessings upon the various elements of this union. Be gracious to our President and the branches of our government. Grant wisdom and insight to lead Your people prudently. Watch over us and keep us safe in a world prone to terrorism and violence. Bless our children and our seasoned citizens, the millions of workers who make this republic strong. More than that, remember our courageous young men and women who stand in harm's way to defend our freedom around the globe.

Bless the Commonwealth of Pennsylvania, if You will. Give unto us prosperity and good will. Bless each branch of our State government, and shed Your grace upon the Senate where we stand. Give wisdom to these legislators that they may, in a bipartisan way, do what is best for the citizens of this State. Be with the leadership and help them to make wise decisions.

We ask these things of You with humility and reverence. Grant them, if You will, in Jesus' name. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Butcher, who is the guest today of Senator Armstrong.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by those assembled.)

COMMUNICATIONS FROM THE GOVERNOR

RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE PENNSYLVANIA ECONOMIC  
DEVELOPMENT FINANCING AUTHORITY

October 8, 2008

To the Honorable, the Senate  
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 12, 2008, for the appointment of David E. Landau, 11 Oak Knoll Drive, Wallingford 19086, Delaware County, Ninth Senatorial District, as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice William Davis, Williamsport, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA ECONOMIC  
DEVELOPMENT FINANCING AUTHORITY

October 8, 2008

To the Honorable, the Senate  
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 13, 2008, for the appointment of Fred P. Rinaldi, Esquire, One Lee Court, Old Forge 18518, Lackawanna County, Twenty-second Senatorial District, as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice C. Talbot Heppenstall, Jr., Pittsburgh, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL  
Governor

their gas and light put back on by the utility company, to allow the Public Utility Commission to reenter as the mediator between the utility companies' narrow self-interests and the ratepayer. Right now, say you are on the phone with some operator, you do not even know if the operator works in China or India or Asia, and you are trying to argue about some consumer right that you feel you have to try to get a more reasonable reconnection. You have no rights whatsoever. We should restore that. And I have amendments that do that.

It is clear, however, that there are important elements in this bill that I certainly would not want to oppose or argue with, because I have fought hard. I have fought hard for some of the provisions that are in this bill, including the provision for the least-cost purchase price, and that is very important. And there are other elements of this bill that none of us would want to argue about, because, in fact, they are moving forward in trying to create a more level playing field between outright profiteering and the ability of small businesses and residences to survive in our Commonwealth with a needed, basic right to electricity.

So I am betwixt and between. There is not majority support to support these amendments, so I am not going to go forward in a Don Quixote fashion and offer amendments on the mitigation side of the equation, and I believe that come January, when people will be freezing to death, maybe there will be an ability for both sides of the aisle, in a nonpartisan way, to come together to talk about restoring some of the consumer protections.

So at this eleventh hour, as my colleague reported, I think it is important that we move forward on the bill, but I do think it is inappropriate that we were not able—and we keep saying we are rushed, it is the eleventh hour. I mean, we do not set the agenda on this side of the aisle. You all do on the aisle opposite. I do not know what says that we have to leave today. I know there is an election coming up in a few weeks. I do not know what says that we cannot reconvene to really deal with the rate cap mitigation. It is not rocket science.

So I am very disappointed, but I think it is important that we try to move forward on this bill, and accordingly, Mr. President, I will not be offering the amendments. Thank you.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Beaver, Senator LaValle.

Senator LaVALLE. Mr. President, as most people probably know, up until about an hour ago, I was prepared to vote "no" on this bill simply because I really wanted to see rate cap mitigation included. I thought that was the direction we were going. Since that time, and I want to be on record, the Governor has assured us that beginning in January, he will do all that he can to address that issue. Senator Boscola has been committed to addressing the issue and working as hard as she can possibly work to get the rate cap mitigation included, or at least address that issue next year. So although I am not very happy with not having it in now, I am prepared to vote "yes."

As Senator Ferlo said, there are some good things in the bill. However, you know, I am not going to be here next year, so the guy who takes my place when the rates go sky high, he can take all the complaining, and I will be one of the complainers. So, hopefully, we will do something to relieve him of that pain.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, I want to thank Senator Ferlo for not offering his amendments today, because I think that would have ultimately denied us the opportunity of voting on House Bill No. 2200. I want to thank Senator LaValle and the other Members of my Caucus who were negative and are now positive. But I also want to echo some of the comments, in two particular areas.

This is not a bad bill. This is not a vote against mitigation, which we all seem to want, in one form or another, but this is a step in the right direction. The procurement portions of this bill will result in immediate ratepayer savings. As was mentioned earlier, and I just want to reemphasize, this legislation will change the current law and force utilities to purchase their electricity at the least possible rate, the lowest-cost rate, not the phony market rate that the current law allows them to do.

Secondly, it will require them to have a mix in their portfolio of long-term, short-term, and middle-term contracts, which will ultimately also benefit the consumer. It will require them, in that portfolio, to have at least some long-term contracts, more than 4 years, but not less than 20. And as was also said, the amendment will impose significant safeguards intended to prevent market manipulation and self-dealing.

In addition to that, the bill has been amended to say that the maximum fine will not be \$5 million, which to some of these large utilities is just merely the cost of operation, but rather \$20 million, which is some pain.

Then, on the demand side, we do have long-term goals and positions that will save us energy in the long run. But like everything else, no one wants to hear about that, because it is not going to really kick in for 8 to 10 years. But it is there, and future generations will be the beneficiaries of that. 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.

So this is not a bad vote for anybody. What has been explained to me in the main argument that I have heard is that, gee, we blew an opportunity. We had some leverage. We had no leverage with utility companies on this bill. This was similar to the guy who stands there with a gun to his head and says to the other guy, if you move, I will shoot. There was no leverage against utility companies in this bill.

Next, I want to address, because I, too, will not be here, but I was here in 1996 when I not only voted against deregulation, I predicted that there would not be any competition, and regrettably, my prediction has come true. But then I sued PECO, and I was the one who got the 8-percent reduction and the current caps that we have. Now I am beginning to think it was the right thing to do. We saved people billions of dollars, but when it comes off, they are going to be upset.

In addition to that, the people have not yet gotten the message. That is why I think the utility companies have made a major strategic mistake by not attempting to resolve mitigation at this stage. What is going to happen is every day they delay in coming to the table, and every day we do not do anything about mitigation in the next Session, more and more pressure is going to be built up

Kim Betchy v. WWPC.

Date; 7-27-18.

Docket # C-2018-3000257.

Requests for production of documents from WPPC.

My request from WPPC;

1. Provide documents that show that the smart meters are (U.L.) regulated.
2. Provide outside independant studies that show that the smart meters are a huge savings for the consumers.
3. Provide the PUC rules of laws, showing that the PUC has the right to alter, change or make it's own rules to change or override a passed HOUSE BILL, a Legislative Journal by the senate.
4. provide Independant studies showing these smart meters don't catch on fire and don't burn homes down.
5. provide the original Passed Bill that states the smart meters are MANDITORY.
6. Provide a document that where you can install a smart meter, collect our data, release it to a third party without customers consent.
7. Provide a document that states the smart meters don't have to be (UL) regulated for our safety. Since the meters are not (UL) regulated, that indicates that the smart meters failed to pass the inspection for safety.

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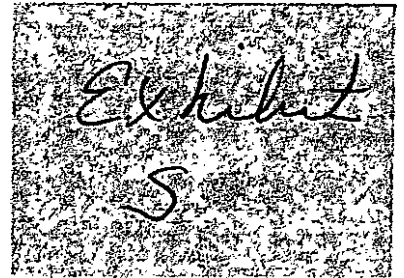


Exhibit  
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