

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

November 10, 2018

VIA E-FILE AND MAIL

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> 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 is a reply to Met-Ed's:

1. Preliminary Objections with their "cover letter dated" 10/22/18. However, the "actual" date on the Preliminary Objections is dated August 15, 2018, which Met-Ed dated incorrectly -- it should have been dated 10/22/18.
2. Answer and New Matter dated 10/22/18.

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

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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. Admitted to No. 21 and 22 and admitted only to Complainant would prefer to keep the old Analog Meter because a Smart Meter would be detriment to my health and would be a fire hazard on my property as stated.
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. Agreed I contacted Met-Ed that the Smart Meter would be detrimental to my health. Agreed only on the part my Amended Formal Complaint and Answer and New Matter and Preliminary Objections were all filed in a timely manner.

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 as stated in my Amended Formal Complaint. 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 Amended 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 in part and agreed in part. Denied that I am refusing a Smart Meter. On or about July 24, 2018 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. Agreed, to the fact that all documents were served in a timely manner.
8. Complainant electronically filed her Amended Formal Complaint on October 1, 2018 with the Commission.
9. Met-Ed may or may not have filed in a timely manner. 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 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 detriment 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*

*Povacz vs PECO – C-2015-2475023*

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. To say the commission cannot grant exceptions is like telling "everyone" they must eat peanuts even those that are allergic/sensitive or may even die from eating peanuts. There must be exceptions for persons who are sensitive, with medical/ health problems. The law would not intentionally harm the vulnerable.

**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



Dated: November 10, 2018

## ANSWER TO NEW MATTER

1. Admitted.

2. Admitted.

3. Admitted

4. Denied in part and admitted in part. Admitted that on or about July 24, 2018,

Complainant called Met-Ed to state that the implementation of a Smart Meter would be detriment to her health and that Complainant was sensitive to EMF and Radio Frequency (RF) radiation. Complainant has never denied Met-Ed access to the meter on the property.

5. 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. Complainant has never denied Met-Ed access to the meter on the property. Therefore, I am not in violation of any rule. Further, Met-Ed is forcing me to agree to a Smart Meter being placed on my

home which is in violation of §1501 and §1502. Further, Act 129 did not state it is a mandate and the language of Act 129 was an opt-in law as was stated in the house senate journal.

6. I have stated my health issues and more information will be presented at the hearing to support my claim. There are many people who have certain sensitivities. For one example – Suppose there was a law that states everyone must eat peanuts. However, some are sensitive or allergic and may die from consuming peanuts. Would the law still insist and mandate that “everyone must eat peanuts” even if it causes them ill health or even death. Well, thank god that is not the case because it would be catastrophic. The same applies here. Many consumers are sensitive to Smart Meters including myself and some with health issue become worse when exposed to Smart Meters negative health effects. I am certain the law would not force such hardship on its citizens. For Met-Ed to mandate such harm to its consumers is beyond words. Met-Ed is in violation of harming its consumers health and is in violation of 66 Pa.C.S. §1501 and §1502.

In addition, with Met-Ed’s Smart Meter being next to my 300 gallons of propane tanks is a major safety and fire hazard. Smart Meters are known to have a history of catching on fire. Therefore, Met-Ed is in violation of 66 Pa.C.S. §1501 and §1502.

§ 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.

7. It is a fact that I am sensitive to Electro Magnetic Field (EMF) and Radio Frequency (RF) radiation. I get severe headaches, burning, tingling sensations on my body,

insomnia and heart palpitations just to name a few. In fact, if relevant, at hearing, I will be presenting facts, etc. to support my claim.

8. It is a fact that Met-Ed Smart Meter is a fire hazard being next to 300 gallons of propane tanks on the property which can kill many people. Met-Ed is in violation of 66 Pa.C.S. §1501 and §1502. Further, I am sensitive to Electro Magnetic Field (EMF) and Radio Frequency (RF) radiation. I get severe headaches, burning, tingling sensations on my body, insomnia and heart palpitations just to name a few. In fact, if relevant, at hearing, I will be presenting facts, etc. to support my claim.
9. It is a fact that the Smart Meter will cause unsafe conditions and that Met-Ed is in violation of 66 Pa.C.S. §1501 and §1502. If relevant, at the hearing I will be presenting facts, etc. to support my claim.
10. It is a fact that Met-Ed Smart Meters are a fire hazard being next to 300 gallons of propane tanks on the property which can kill many people. Met-Ed is in violation of 66 Pa.C.S. §1501 and §1502.
11. It is a fact that Met-Ed is ignoring Complainant request to abstain from installing a Smart Meter on the premises. In addition, there is no way to turn off or adjust the RF emitting constantly every day. Moreover, Act 129 did not say such device should be place on such persons as with a health problem or condition.
12. Denied. It is agreed that Complainant alleges that Smart Meters may be a part of a mesh network or part of a point-to-point network, either of which emits RF many thousands of times per day which is dangerous and is in violation of Pa.C.S. §1501 and §1502. In addition, there is no way to turn off or adjust the RF emitting constantly every day in order to limit my exposure. Therefore Met-Ed is in violation of Pa.C.S. §1501 and

§1502. Complainant will provide proof that Met-Ed Smart Meters are dangerous to consumers more than they are reporting.

13. It is not a belief but a fact about Smart Meters dirty Electricity. It is agreed that Complainant states that there would also be “dirty electricity” or transients or harmonics on the household wiring which can affect Complainants health.
14. It is Agreed that the deployment of any Smart Meter device by Met-Ed on her property presents an unsafe environment for complainant and finds Met-Ed in violation of 66 Pa.C.S. § 1501 and § 1502 of the Public Utility Code.
15. Admitted.
16. Admitted.
17. Admitted.
18. It is a fact that Met-Ed's deployment of any energy monitoring meter on Complainant's property must be sure it does not invade Complainant privacy, is safe and proper for the accommodation, convenience, and safety of Complainant.
19. Admitted.
20. It is agreed that Complainant is willing to be billed on an estimated basis retaining the analog meter on her home.
21. Complainant respectfully request that the Commission:
  - (1) Met-Ed is in violation of §1501 and §1502 and I am requesting accommodation to keep my old Analog Meter.
  - (2) Allow Complainant to retain an Analog Meter which is safe for Complainant health and in prevention of a fire on the property.

(3) The Commission should compel Met-Ed to provide electrical service and metering that is safe for Complainant, considering her unique medical condition and the close proximity of 300 gallons of propane too close to the Smart Meter.

22. Complainant ask that the Commission order a permanent stay of any termination on the part of Met-Ed against Complainant for any alleged denial of access to the meter at the subject premises.

### **New Matter – Legal Insufficiency**

23. Not Applicable

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. Denied. Act 129 did not mandate Smart Meters. The Commission mis-interpreted the Act.

31. 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.**

**I. CONCLUSION**

Based on the foregoing, Complainant respectfully request that the Commission not dismiss her case but be permitted to go to hearing in the future and an Order granting the relief requested and any other remedy that the Commission deems just and appropriate. Alternatively, Complainant requests that this matter be set for mediation. If, for any reason no resolution is reached by Met-Ed and Complainant, then Complainant requests a hearing and not a pre-hearing conference.

Respectfully submitted,

  
Barbara McDonald

Date: November 10, 2018

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Barbara McDonald

v.

Metropolitan Edison Company

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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 and 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: November 10, 2018

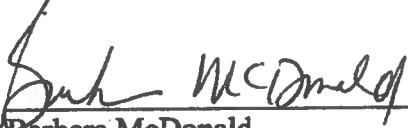


Barbara McDonald  
243 East Broad Street  
East Stroudsburg, PA 18301

**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).

  
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Barbara McDonald  
Complainant

Date: November 10, 2018