

J. Lawrence Hajduk Esq.
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Rosemary Chiavetta
Pennsylvania Public Utility
Commission Commonwealth Keystone
Building
400 North Street, 2nd
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17120

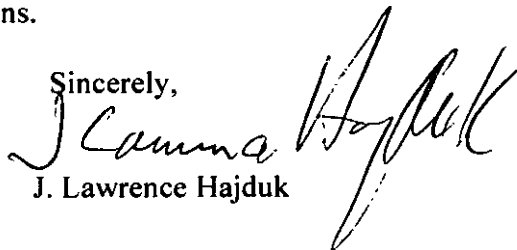
Re: J. Lawrence Hajduk, Esquire v. West Penn Power Company
Docket No. C-2018-3005831

Dear Secretary Chiavetta:

Attached please find the Preliminary Objections of J. Lawrence Hajduk to the Answer and Preliminary objections of West Penn Power in the above-referenced matter. This document has been served on the West Penn Power as shown in the Certificate of Service.

Please contact me if you have any questions.

Sincerely,



J. Lawrence Hajduk

c: As per Certificate of Service

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

J. LAWRENCE HAJDUK, ESQUIRE

v.

Docket No. C-2018-3005831

WEST PENN POWER COMPANY

NOTICE TO PLEAD

TO: West Penn Power Company

Pursuant to 52 Pa. Code § 5.101 you are hereby notified that if you do not file a reply to the enclosed Preliminary Objections of West Penn Power Company within ten (10) days from service of this notice, the facts set forth by West Penn Power Company in the Preliminary Objections may be deemed to be admitted, thereby requiring no other proof. All pleadings, such as a Reply to Objection, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy service to counsel for West Penn Power Company, and where applicable, the Administrative Law Judge presiding over the case.

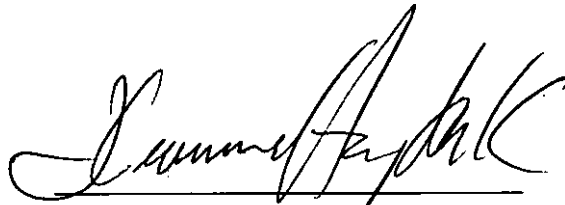
File with:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

With a copy to:

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

12-14-18



J. Lawrence Hajduk

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J. LAWRENCE HAJDUK, ESQUIRE

v. Docket No. C-2018-3005831

WEST PENN POWER COMPANY

Preliminary Objections to the Answer and Preliminary Objections of West Penn Power Company

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, J. Lawrence Hajduk files this Preliminary Objection pursuant to Section 5.101(a) of Pennsylvania Public Utility Commission ("Commission") regulations, 52 Pa. Code § 5.101 et seq and in support thereof, avers as follows:

I. **Introduction**

I. In his recently filed Formal Complaint, J. Lawrence Hajduk, Esquire ("Complainant") who resides at 186 New Beaver Creek Road, Markleysburg, Pennsylvania 15459

("Service Location"), alleges that he does not want a smart meter installed at the Service Location. (Formal Complaint ¶ 4, 5.) The Complainant states as requested relief:

- A. Enjoin West Penn from installing a "Smart Meter" on my premises. I have electronic devices installed in my chest that are subject to malfunction if subjected to radio wave / electro magnetic interference.
- B. Enjoin West Penn from terminating service as I have medical issues requiring electric service specifically oxygen.

(Formal Complaint , ¶ 5.)

RELIEF REQUESTED

11. J. Lawrence Hajduk, Esq. requests an immediate injunction against West Penn Power from installing a Smart Meter on his home or termination of service for service for refusal.

II. Preliminary Objections to the Preliminary Objections and Answer.

1. On December 1, 2018 J, Lawrence Hajduk did receive an unverified answer and preliminary objections of West Penn. Subsequently a mailed verification signed by one John C. Ahr. There is no objection to the subsequent correction by separate document. There is raised objection to a verification signed by an individual without reference to his title or capacity to sign on behalf of West Penn.. Complainant does not know if this is the CEO or the janitor.
2. The documents themselves bear the initials of an unknown person "krak" apparently signing for Ms Lepkoski. If "krak" was an attorney, presumably he/she would have signed rather than ghosting for Ms Lepkopski. It is fundamental that legal pleadings be signed by counsel or pro se litigant who verifies the proper veracity of the document as is more fully explained in subsequent paragraphs. In an unrelated case before The PUC, Complainant actually had a Xeroxed document of his signature rejected and had to refile an inked document.
3. Complainant notes that the Preliminary Objections of West Penn are substantially a cut and paste of POs filed in other cases objecting to installation of a "Smart Meter" which is why paragraph 2 was raised.
4. Complainant is an individual with a disability pursuant to The Americans with Disabilities Act of 1990 as amended 42 U.S.C

12101 et seq. specifically, severe heart/circulatory and breathing problems which have been addressed with medical electronics implanted in his chest and the need for supplemental oxygen when lying down at night. Said cardiac devices are subject to interference by radio waves, electronic, and magnetic devices in close proximity to his chest.

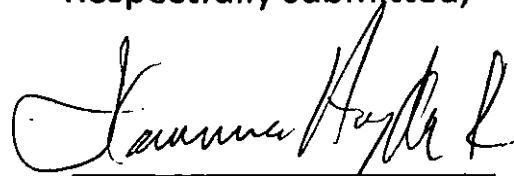
5. Title II of the ADA relates to Public Accommodations. It does not address electric service by name. The ADA is a Civil Rights statute and as such is to be given liberal construction. Complainant avers that safe delivery of electric service to his home is a Public Accommodation.
6. The PUC is a public entity that is specifically prohibited from discrimination against disabled individuals by 42 U.S.C. 12132.
7. The ADA encourages parties to communicate to reach reasonable accommodations under the ADA. Had the telephone representative of West Penn provided the name and number of counsel, this case probably would not be on the docket.
8. Complainant's electric meter is located on a wall in the area of a large open space in his home which serves as living room and dining room.
9. Had West Penn provided an opportunity to discuss this matter with counsel they would have had two sane, simple and economic potential resolutions to the issue at bar. The current meter is read 6 months per year with estimated bills submitted for the remaining 6 months. I could simply photograph the meter reading to West Penn for billing; they would have no need to pay a reader set foot on the premises. Second the utility pole with the transformer that supplies the "drop" to my home is literally in my front yard less than 100 feet from the house. A meter with some simple faraday shielding could be

installed on the pole giving me the safety of distance and shielding from the smart meter. In rural areas there are multiple meters on poles with service then distributed to various buildings some distance away.

10. Perhaps most offensive, West Penn acknowledges case law where medical harm was done "AFTER" the installation of a smart meter. It is the height of arrogance and irresponsibility to suggest that Complainant wait to be physically harmed before the PUC take action.
11. Complainant further invokes the protection of both the Rehabilitation Act of 1973 and The Pa Human Relations Act.
12. If this matter cannot be resolved a complaint will be filed with the Office of Civil Rights of the United States Department of Justice where based on numerous other complaints that I filed for clients before my retirement, it will languish until a Right To Sue Letter is requested.

12-14-15

Respectfully submitted,



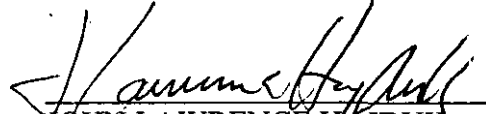
J. Lawrence Hajduk

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VERIFICATION

I, JOHN LAWRENCE HAJDUK, verify that the information contained within and the statements made in the foregoing are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties and provisions of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

12-14-18
Date


JOHN LAWRENCE HAJDUK

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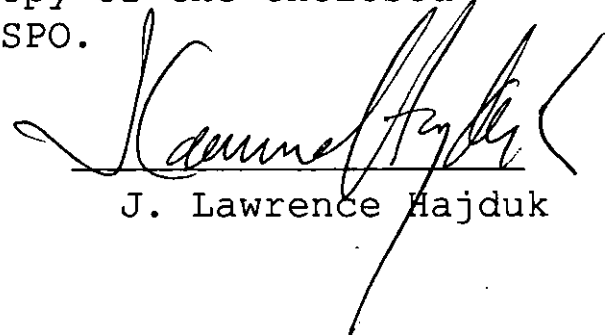
Docket No.C-2018-3005831

WESTPENN POWER COMPANY

Certificate of Service

I, J. Lawrence Hajduk, certify that I served upon
Lauren M. Lepkoski, Esq. A copy of the enclosed
Preliminary objections. By USPO.

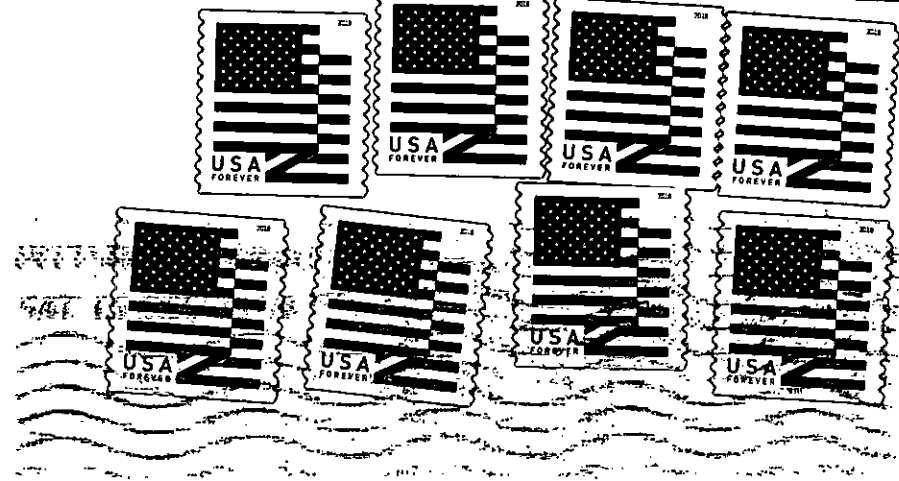
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