

**JAMES & TERESA MENDEZ-QUIGLEY**  
**401 Longfield Road, Erdenheim, PA 19038**

January 19, 2019

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17120-3265

Re. James Quigley and Teresa Méndez-Quigley v. PECO Energy Company  
Docket No. C-2017-2617558

Dear Secretary Chiavetta:

The Exceptions of James Quigley and Teresa Méndez-Quigley to the Initial Decision by Administrative Law Judge Heep are hereby enclosed.

Sincerely yours,

  
James Quigley

  
Teresa Méndez-Quigley

cc: Honorable Darlene D. Heep, Administrative Law Judge  
Secretary of the Commission  
Ward L. Smith, PECO Counsel

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JAN 19 2019

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**BEFORE THE  
PA PUBLIC UTILITY COMMISSION**

James Quigley & Teresa Méndez-Quigley

v.

Docket No. C-2017-2617558

PECO Energy Company

**Exceptions to Initial Decision**

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SECRETARY'S BUREAU

## Exceptions of James Quigley and Teresa Méndez-Quigley to Initial Decision

### Act 129

As the Quigleys stated in their Reply Brief, the Court should find the PUC's Implementation Order of Act 129, ultra vires, and restore Act 129 as the enforceable law, making smart meters an opt-in, if desired (except in new construction).

The PUC is incapable of unbiased decision-making in this case. In the PUC's Court's Initial Decision, under Section "Request for Analog Meter, Opt-Out," p. 19, the PUC Court states,

"While a plain reading of Act 129 may suggest an opt-in, the Commission has addressed this issue to the contrary. In 2013, the Commission concluded that there is no provision in the Code or the Commission's Regulations or Orders that allows a PECO customer to 'opt-out' of smart meter installation. See *Povacz v. PECO Energy Company*, Doc. No. C2012-2317176 (Opinion and Order entered January 24, 2013)."

The Quigleys provided the relevant text of Act 129 in the Main Brief, as well as the Legislative Record pertaining to Act 129. The Quigleys, as Masters level professionals, have accurately referenced the law and the PUC's misinterpretation of it. The law requires furnishing a meter upon request of a customer and in new installations, both of which indicate that the PA general assembly knew and intended that the meters would not be installed into everyone's home. (See Quigleys Main Brief, pp. 14-17, Section 1. Act 129: The Law As Written & Intended, and Exhibits C-1 and C-2; and *Quigleys Reply Brief*, Section Summary of Argument, paragraph 4, p. 15.)

On p. 17, under Request for an Analog Meter, Opt-out, the PUC Court failed to identify in its decision that three then-Senators went on record to clarify that Act 129 did not make “smart” meters a requirement. The Court and Commission continue to subvert the law as written as well as the intent of the law as expressed by elected representatives of the citizenry. (See Quigleys Main Brief, pp. 14-17, Section 1. Act 129: The Law As Written & Intended, and Exhibits C-1 and C-2; and *Quigleys Reply Brief*, Section Summary of Argument, paragraph 4, p. 15.)

The PUC Court and PUC Commission have steadfastly avoided holding themselves accountable for violating Act 129. While the PUC Court and the PUC Commission may exonerate themselves and PECO from their deceit, the reality remains that the PUC Commission, the PUC Court, and PECO, are actively violating the law as written and as intended. (*Quigleys Main Brief*, Section 1. Act 129: The Law As Written & Intended, pp. 14-17; and *Quigleys Reply Brief*, Section Summary of Argument, paragraph 4, p. 15.)

If the PUC can subvert the law to suit the wishes of Electric Distribution Companies (EDCs), then citizens do not have a representative democracy; we have a bureaucratic/corporate oligarchy. This violates the rights of Pennsylvania citizens.

#### Analog Meter

In the PUC Court’s Initial Decision, under the Section, Request for an Analog Meter, Opt-Out, p. 18, the PUC states, “First, there is no basis upon which to order PECO to install an analog meter at the service address.” The PUC Court fails to recognize the totality of PECO’s responsibilities in PA Code, Title 66, Chapter 15, Subchapter A, Sections 1501 and 1502.

“PECO bears the burden to adhere to PA Code, Title 66, Chapter 15, Subchapter A, Sections 1501 and 1502.

Section 1501:

**“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:

**“No public utility shall, as to service...subject any person...to any unreasonable prejudice or disadvantage.”**

(See Quigleys Reply Brief, Section Argument 1. Burden of Proof, p. 16.)

**“Every public utility...shall make all such...substitutions...as shall be necessary or proper for the accommodation...and safety of its patrons.**

**Health Impacts**

**Doctor’s Directive – The PUC Court and PUC Commissioners, via the Initial Decision, have ignored a licensed and practicing physician’s recommendations for his patient of more than 20 years, yet accepted a non-practicing physician’s testimony – both oral and written – even though the transcript will show that he clearly was incapable of even citing one of the “extensive and exhaustive” literature review he professed. While most responsible entities recognize that the relationship between a patient and their**

medical doctor is highly valued, the PUC Court and Commissioners have dismissed it by ruling against the written statements by Ms. Méndez-Quigley's physician.

It is extraordinary that PECO deems to know better than Ms. Mendez-Quigley's physician how to promote and protect her health. Ms. Mendez-Quigley's doctor has clearly stated that Ms. Mendez-Quigley should limit her exposures to wireless technologies which the Quigleys have done. (See Quigleys' Main Brief Section 2. Health Considerations for Teresa, subsection 2A Autoimmune Disorder, p. 17 and Exhibits A-1 and A-2.)

*Immune Disorder* – The PUC Court and Commissioners did not consider the full ramifications of wireless transmissions on the immune system of the Complainants. Inflammatory systemic autoimmune diseases have to be managed carefully to reduce the frequency of flareups. (See Quigleys' Main Brief, Section and Testimonies at Initial Hearing, subsection 2 Health Considerations for Teresa, pp 17-19.)

*Immune System Impacts* – The PUC Court and Commissioners gave no credence to the preponderance of scientific literature that the Quigleys presented which clearly state harm to the immune system from wireless transmissions. (See Quigleys' Main Brief, Section and Testimonies at Initial Hearing, subsection 2B Immune System, pp 19-25.)

*Vitamin D Deficiency* – The PUC Court and Commissioners found that Dr. Israel's testimony regarding vitamin D and radiofrequency transmissions prevailed. What the PUC Court failed to consider is that the research on the negative impact on vitamin D synthesis was conducted by Trevor Marshall, PhD, of the Autoimmunity Research Foundation and published in the Journal Environment and Autoimmunity. The Autoimmunity Research Foundation is an entity which has far more experience on issues impacting autoimmunity than Dr. Israel's non-existent experience in research and patient care with autoimmunity or vitamin D synthesis. (See Quigleys' Main Brief, subsection 2C Vitamin D Deficiency, pp 25-28 and Exhibit B-2.)

The preponderance of peer-reviewed literature published since 2007, finds that harm is caused to the immune system, and other aspects of health, from wireless transmissions. Trevor Marshall, PhD, from the Autoimmunity Research Foundation, found that disturbances to the synthesis to vitamin D occur at transmission levels measured in pico-seconds or trillionth of a second. This damage occurs at transmission rates far below any of PECO's wireless meters or the FCC's limits. See Quigleys' Main Brief, subsection 2C Vitamin D Deficiency, pp 25-28 and Exhibit B-2).

Vitamin D synthesis is directly related to calcium absorption in the body. Calcium Absorption in the body is directly related to osteoporosis with which Ms. Mendez-Quigley has been diagnosed.

Osteoporosis is another aspect of health that the Quigleys actively manage. The Quigleys do not need further complications to Ms. Mendez-Quigley's bone density. (See Quigleys' Main Brief, subsection 2C Vitamin D Deficiency, pp 25-28.)

The PUC Court minimizes the health conditions of Ms. Mendez-Quigley by in effect dismissing the preponderance of published, peer reviewed scientific evidence referenced in the Quigleys Main and Reply Briefs. (See Quigleys' Main Brief, Section Exhibits and Testimonies at Initial Hearing, subsection 2C Vitamin D Deficiency, pp 25-28.)

As stated in Quigleys' Main Brief, Subsection 3, Impacts on Human Health, pp. 28-29, the Quigleys identified a great number of scientists from numerous countries who have called for preventive action to protect people from EMFs, specifically from wireless devices, which include radiofrequency radiation (RFR) emitting devices, including smart meters. (See Quigleys' Main Brief, subsection 3 Impacts on Human Health, pp 28-29.)

How can great numbers of experienced scientists from around the globe be dismissed and the opinions of two paid PECO witnesses, with no experience on the issues relevant to this case, can be considered to

prevail? This is possible only in a deeply biased Court, which nominally answers only to the very commissioners who misinterpreted Act 129.

While the PUC Court references a small selection of the research presented by the Quigleys, the PUC Court fails to indicate that in the totality of the peer-reviewed literature, the preponderance of the peer-reviewed literature, finds harm to one or more aspects of human health. The totality of the research, most of which the PUC Court failed to include in its decision, can be found in the Main Brief, Sections 2 Health Consideration for Teresa, and 3. Impacts on Human Health, pp 17- 29.

#### Unqualified "Experts"

The PUC Court recognized and lauded Drs. Davis and Israel, accepting PECO's contention that they are experts in multiple fields despite their inability to recognize and cite professionally researched, written and published articles.

The PUC Court wrongly states that "PECO AMI system does not emit EFs of the type and level of concern to the Quigleys and PECO experts refuted the accuracy of the reports referenced by the Complainants to support their claim." The Quigleys would remind the PUC Court that actual research has indicated that any and all RF transmissions will have an impact on Ms. Mendez-Quigley's health in a multiplicity of ways. Any RF transmission is of concern.

Pritchard has no experience whatsoever with human health. As evidenced by the research from the Autoimmunity Research Foundation, specifically that transmissions measured in pico-seconds impact vitamin D absorption and that transmissions impact autoimmune conditions, there are no safe RF transmissions for Ms. Mendez-Quigley.

The Quigleys addressed in the Reply Brief Mr. Pritchard's attempts to overstate his expertise in shielding. Mr. Pritchard claimed that the wall of the service address would attenuate the signal away from the house. He was accepted by the PUC Court as an expert in design, operation and technology of advanced meter installations. He was not accepted by the PUC Court as an expert on shielding or reflectivity of RF transmissions by building materials. (See Quigleys Reply Brief, number 65, p. 11.)

Dr. Davis has no experience in treating patients or dealing with human health and is incapable of surpassing the credibility of a practicing physician's care of his patient.

The PUC Court accepted PECO's claimed areas of expertise for Dr. Davis. The Quigleys demonstrated in the Main and Reply Briefs and under cross-examination of Davis that he was not familiar with substantial amounts of published, peer-reviewed research concerning the damage caused by RF transmissions at non-ionizing frequencies to human health including the immune system. Ostensibly, he does not have the expertise that PECO claims. (See Quigleys Main Brief, Section 4D: Christopher C. Davis, p. 36-39 and Reply Brief, numbers 65-82, p. 11-14.)

The PUC Court's Initial Decision notes Dr. Davis' testimony regarding the "Federal Communications Commission's exposure limits. The Quigleys addressed the shortcomings of relying on Federal Communications Commission exposure limits to protect human health particularly in compromised individuals. In particular, the Federal Communications Commission's exposure limits have been overwhelmingly disputed in peer-reviewed literature. (See Quigleys' Main Brief, Section Arguments, Subsection PECO Relies Too Heavily on the FCC Limits Based on a Dated 1986 Report, pp. 46-47, and Reply Brief, Section Findings of Fact, p. 12 and Section Arguments, Subsection III. PECO Testimony, p. 18.)

The PUC Court also accepted Dr. Davis' description of pulsed fields on its Initial Decision, p. 25, paragraph 2. "Dr. Davis testified that 'in strict scientific terms, a pulse is a disturbance that goes up, reaches a level and then goes back down again' and that PECO's AMI meters do not produce pulsed fields." Each RF transmission from PECO's meters is the pulse. The "at rest" position of the meter is no transmission. Then the RF transmission occurs, or in Dr. Davis' words, "a disturbance that goes up, reaches a level and then goes back down again." Perhaps Dr. Davis was trying to obfuscate. Regardless, his explanation is obviously flawed.

The PUC Court also noted in its Initial Decision, on p. 25 paragraph 3, Dr. Davis' testimony regarding the International Commission on Non-Ionizing Radiation Protection (ICNIRP). The ICNIRP has received substantial complaints from the international scientific community regarding the ICNIRP's strong bias for supporting industry wishes, while ignoring the preponderance of published, peer-reviewed medical and scientific literature which demonstrates harm to human health from non-ionizing RF transmissions. (See Main Brief, Section 3: Impacts on Human Health, pp. 28-29 and 37 & Reply Brief, Number 82, p. 14.)

On p. 25 in the Initial Decision, the PUC Court has allowed Dr. Davis to use a concept he called "cumulative average" to compare UHF TV transmissions with close proximity RF transmissions from PECO's AMI meters. The idea of cumulative average is used to make a momentary high RF transmission appear to be lower over time. The PUC Court has therefore allowed Dr. Davis to deny the impact to Ms. Mendez-Quigley's health from the short-term high RF exposure of PECO's meters.

Additionally, as the Quigleys stated in the Reply Brief, Dr. Davis did not present the Court or Quigleys with the algorithms he used to make his estimates. This is considered highly unprofessional in learned circles and subsequently suspicious. (See Quigleys' Reply Brief, Section Arguments, Subsection III. PECO Testimony, A. Davis, p. 18.)

The PUC Court stated in its Initial Decision at the bottom of page 25 that "According to Dr Davis non-ionizing radiation does not have enough energy to break chemical bonds, including the chemical bonds in DNA (CD-2). The significance of this is that if a chemical bond is not broken, there is no subsequent chemical reaction involving the rearrangements of molecules or atoms in some way and therefore no biological effect. (Tr. 302). He further explained that heating of an object is the only generally accepted mechanism for causing biological effect. (Tr.317)..." The preponderance of published peer-review research clearly demonstrates that Dr. Davis is incorrect. Genotoxicity from non-ionizing RF radiation has been demonstrated repeatedly in the published literature. (See Quigleys Main Brief, Section 4: PECO's Witnesses, Subsection 4D, pp. 37-39.)

The heating of an object is the only generally accepted mechanism for causing biological effect by the FCC. As previously mentioned, the FCC is well behind the understanding in current peer-reviewed literature and in the international scientific community. (See Quigleys' Main Brief, Section Arguments, Subsection PECO Relies Too Heavily on the FCC Limits Based on a Dated 1986 Report, pp. 46-47, and Reply Brief, Section Findings of Fact, p. 12 and Section Arguments, Subsection III. PECO Testimony, p. 18.)

On p. 26 paragraph 3, “Mr. Quigley questioned Dr. Davis with respect to studies reporting that biological effects from relatively small exposures were found. Dr. Davis disputed these findings, testifying that the methods of study used were not accepted or used by other scientists, that the studies had nothing to do with biological effects or that the studies could not be replicated and are not accepted by the scientific community. (Tr. 200-213).” Under cross-examination, Dr. Davis was not familiar with many of these studies. How could he judge whether the methods or conclusions were appropriate if he was unfamiliar with the studies?

On p. 26 paragraph 2, the PUC Court writes “While Dr Davis acknowledged that some scientists claim that they may see such affects (sp?) at moderately high levels, he does not know of a single study that shows such effects at the low-level exposure from a PECO meter. (Tr. 278, 305).” Dr. Davis ignores the breadth and depth of published peer-reviewed literature on a multitude of RF transmission levels as causing harm, including RF transmission levels similar to PECO’s meters’ RF transmissions. In particular, RF transmissions which inhibit vitamin D synthesis are measured in pico-seconds. The RF transmissions that Dr. Davis are claiming are safe are substantially higher than pico seconds.

The PUC Court states on page 26, paragraph 4 second sentence, “Based on the testimony of Mrs. Mendez-Quigley and her cell phone usage, Dr. Davis testified that she is getting ten times more exposure from her cell phone than she would get from an AMI meter, even with her limited usage. (Tr. 295).” Ms. Mendez-Quigley had not testified until the very end of the trial about the specifics of her cell phone usage. Dr. Davis testified prior to Ms. Mendez-Quigley’s testimony regarding her cell phone usage. He therefore made estimates without knowledge of her specific usage. This is as noted in the Main and Reply Briefs highly unprofessional in the scientific community.

Clearly, over 200 scientists from numerous countries around the world, who signed the *International Appeal: Scientists call for Protection from Non-ionizing Electromagnetic Field Exposure* do not agree with Dr. Davis who is paid to present his views for PECO and admitted that he would not be a witness for PECO if he did not support PECO's views. (See Quigleys Main Brief Exhibit M-7.)

#### ISRAEL

Dr. Israel acknowledged that he has never treated a patient with Sjogren's Syndrome, does not currently treat any patients with an autoimmune condition, nor any patients at all. He has never examined or treated Ms. Mendez-Quigley to know her medical conditions and health history. His inexperience with Ms. Mendez-Quigley is insufficient to overrule her practicing physician's recommendations for her health care.

On p. 27 first full paragraph, the PUC Court writes in its Initial Decision, "Dr. Israel conducted searches of medical and scientific databases to identify all studies, both those that report an effect and those that report no effect, of radio frequency fields and the medical condition and symptoms reported by the Complainants. (PECO MI-2). Dr. Israel's sworn, written testimony claims that he was much more thorough than even the Court indicates. What he testified to, "1. Conduct new searches of medical and scientific databases to identify all studies, both those that report an effect and those that report no effect, of radio frequency fields and the reported medical conditions and symptoms. 2. Analyze individually all studies identified in step 1 that I have not previously analyzed. (If study previously analyzed but all important elements do not immediately come to mind, I analyze study again.)" (See PECO MI-2: Methodology of Medical Evaluation, p. 1.)

The Complainants argue that Dr. Israel overlooked approximately 1,800 studies that reported biological impacts. (See Quigleys Main Brief, p. 31). These studies were generally dismissed by Dr. Israel."

On p. 28 2<sup>nd</sup> sentence of the first paragraph, the PUC Court writes, "...He also testified that it is not his practice to memorize a large number of studies but that he would comment on specific studies presented to him. (Tr. 374). This directly contradicts his sworn, written testimony as referenced above.

The transcript will show that Dr. Israel was not familiar with the published peer-reviewed literature under cross examination. The transcript will also show that Dr. Israel could not name any study including one which agreed with his position. The only conclusion can be that Dr. Israel did not conduct a professional literature search as he testified. Clearly, he missed research in prestigious journals.

Dismissing articles, when he was not familiar with them, is unprofessional in the medical and scientific communities and belies his inexperience with especially the current professional literature on the matters of this case.

On p. 28 2<sup>nd</sup> paragraph, the PUC Court writes, "For example, a document from the Autoimmunity Foundation presented by the Complainants was characterized by Dr. Israel as an 'article' as opposed to scientific research because the writers did not follow principles of scientific studies, using no control group or placebos. (Tr. 365-367). Dr. Israel also testified that there were no studies showing radiofrequency fields affect Sjogren's or osteoporosis or Vitamin D deficiencies. (Tr. 373). He particularly found the electro-smog article referenced by the Complainants "unconvincing," not providing any data and uninformative. (Tr. 364-366)." Regarding the Autoimmunity Research Foundation article as well as breadth and depth of published peer-reviewed articles and monographs, the editorial standards and research methods required of prestigious publications were met, whether Dr. Israel read the articles or not and whether Dr. Israel dismissed the articles.

On the 3<sup>rd</sup> full paragraph of p. 27, the PUC Court writes, "Based on his experience and research, Dr. Israel testified there was no reliable medical basis upon which to conclude that radiofrequency fields from PECO's AMI or AMR meters cause, contribute to or exacerbate Sjogren's syndrome, Vitamin D

deficiency, osteoporosis, peripheral neuropathy, lymphoma or cancer in general or cardiovascular disease. (Tr. 344-350). Dr. Israel testified that it was his expert opinion that there was no reliable basis to conclude that radiofrequency fields from PECO's meters cause any adverse health effects. (Tr. 35)." As mentioned, Dr. Israel's unfamiliarity with the breadth and depth of the published, peer-review literature, especially of the last ten plus years, is the reason he did not find or know of any studies that indicate adverse health effects.

On p. 28, the final sentence, the PUC Court writes, "The testimony of Dr. Israel was persuasive." The PUC Court is accepting Dr. Israel's attempt to ignore the preponderance of peer-reviewed literature which reports impact on human health from a wide range of RF transmissions. Only a deeply biased court would claim that Dr. Israel's testimony was persuasive.

### Proceedings

Intentionally deceptive language – just as the PUC has issued its "Initial" decision and accepts exceptions to then make a "Final" decision, the "Initial" hearing would indicate that there would be a "Final" hearing. The Quigleys are pro se and presumed there would be a follow-up hearing because the PUC misleadingly referred to the "Initial Hearing" in two official communications. "Initial" implies a subsequent hearing.

The transcript will show that when the Quigleys told the PUC Court that they had expected a subsequent hearing, the ALJ asked what they would do with it? The Quigleys responded that they would subpoena communications between the PUC and PECO regarding the interpretation of Act 129 and call witnesses. The ALJ quickly dismissed that possibility indicating that the official communications were just the way the it was written.

On p. 29, final sentence of the 2<sup>nd</sup> paragraph, the PUC Court writes, “The Pre-hearing Order issued on September 7, 2017, is straightforward and not ambiguous – February 20, 2018, was the deadline to provide expert names and summaries.”

On p. 29, first sentence of 3<sup>rd</sup> paragraph, the PUC Court writes, “To allow reference to the testimony of or consider experts in other matters at this date would be prejudicial to PECO.”

Pro Hac Vice Abused – PECO asked for and received the Court’s permission to admit into the record pro hac vice an out-of-state counsel four months after the Initial Hearing. PECO cited an oversight, yet at the same time professed that its own counsel had more than 30 years’ experience. PUC has admitted Watson in numerous other cases, after the fact. This indicates, not an oversight by PECO, but a consistent strategy to circumvent the rules of the PA Bar Association and confuse and confound pro se litigants. The Quigleys note that the record was closed the day after the PUC Court granted PECO’s Pro Hac Vice request. It appears that the PUC Court and PECO work in tandem. The PUC held the record open for PECO but did not honor the Quigleys request additions to the record. That is prejudicial to the Quigleys. If the record was in effect closed, that is, no new trial or revisiting the case, to allow PECO to request and to admit Thomas Carl Watson, Esq., pro hac vice, four months after the trial, denied the Quigleys their rights.

In the Initial Decision, on p. 30, the 2<sup>nd</sup> full paragraph, 2<sup>nd</sup> sentence, the PUC Court writes, “In their brief, the Quigleys indicated that they are particularly concerned about the Zigbee radio transmitting a signal every 30 seconds to find a smart device when they have no smart devices in the home. (Quigley Main Brief at 35).” This misrepresents the Quigleys concerns. The Quigleys are concerned with each RF transmission because each RF transmission can impact Ms. Mendez-Quigley’s immune system.

On p. 30, 3<sup>rd</sup> full paragraph, the PUC Court writes, “The Complainants did not present a preponderance of evidence to rebut the competent and expert testimony of PECO’s witnesses. Additionally, the Quigleys reported no negative effects of the AMR meter at the service address and the AMI meters proposed to be installed will result in a 79% decrease in RFs. All the meters proposed to be installed at the Quigley residence emit RFs far less than the maximum exposure allowed by the FCC. (FOFs 59-62). Given that, the Complainants cannot prevail on this claim.” The PUC Court clearly missed the Quigleys concerns about the AMR meter in their Main Brief noting that her autoimmune diagnosis happened after the installation of the AMR. A latency period could reasonable be expected.

The PUC Court misstates in Section entitled RF’s and the Health of Mrs. Quigley, page 22 final sentence, “It was established that the PECO AMI system does not emit EFs of the type and level of concern to the Quigleys.” The statement erroneously uses “EFs” rather than “RFs” to make the PUC Court’s point. This clearly indicates that the PUC Court may not understand the profound difference between EFs (electric fields) at low frequencies and RFs from much higher frequencies.

#### Response to PUC Court Conclusions

On p 32, top of page of the Initial Decision, the PUC writes, “5. Utility companies are required to furnish and maintain adequate, efficient, safe, and reasonable service and facilities. Paul v. PECO Energy Company, Docket No. C2015-2475355 (Opinion and Order entered June 14, 2018); 52 Pa. Code 57.194.”

The use of the word “all” in Section 1501 does not provide for “reasonable” efforts on the part of the EDCs. Section 1501 requires “best efforts” including all substitutions for the accommodation of patrons.

On p 32, the PUC writes, “6. There is insufficient evidence to support a finding that Complainant will be adversely affected by the smart meter or that PECO’s use of a smart meter will constitute unsafe or

unreasonable service in violation of 66 Pa. C.S. 1501. Kreider v. PECO Energy Col., Docket No P-2015-2495064 at 23 (Order entered January 28, 2016) (citing Woodbourne-Heaton, 1992 Pa. PUC Lexis 160, at \*12-13).” As stated earlier, only in a deeply biased court would that statement be made. The PUC Court fails to acknowledge the full responsibility that PECO holds under 66 PA C.S. 1501.

The PUC Court and Commission pretend to allow citizens to be heard, but subvert the law, as written and intended, to their liking – or perhaps to the liking of the industry it is supposed to regulate – and then place the burden of proof on citizens the defend themselves and the law.

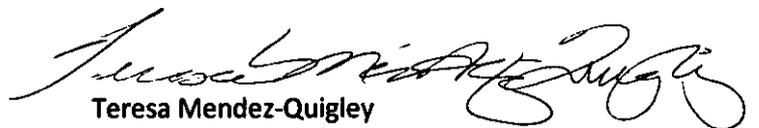
The Quigley’s note that the PUC Court did not address the issue of whether the PUC’s Implementation Order was ultra vires as the Complainants contend. The Quigleys are specifically asking the Court to render a decision on this point.

As pro se, the Quigleys are not familiar with legal protocols, but it is their stated intent to preserve the entire record for appeal. The Quigleys hereby ask the PUC Court to preserve the entire record for appeal.

Respectfully submitted,



James Quigley



Teresa Mendez-Quigley

Dated: January 19, 2019

**BEFORE THE  
PA PUBLIC UTILITY COMMISSION**

James Quigley & Teresa Mendez-Quigley

v.

Docket No. C-2017-2617558

PECO Energy Company

**CERTIFICATE OF SERVICE**

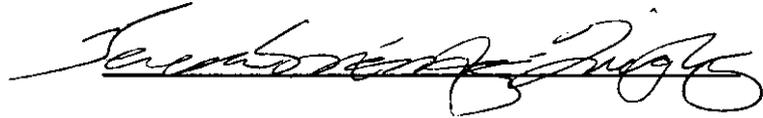
We, James Quigley and Teresa Méndez-Quigley, hereby certify that we have this day served a copy of Exceptions to the Initial Decision via US mail to:

Ward L. Smith, Esquire  
PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, PA 19101-8699

Dated at Philadelphia, PA, January 19, 2019



James Quigley



Teresa Méndez-Quigley

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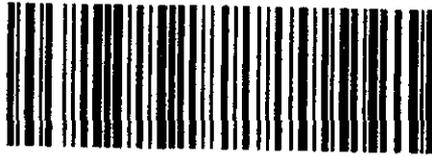
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