



17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601  
717-731-1970 Main  
717-731-1985 Main Fax  
www.postschell.com

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Garrett P. Lent

glent@postschell.com  
717-612-6032 Direct  
717-731-1979 Direct Fax  
File #: 167945

March 6, 2019

***VIA ELECTRONIC FILING***

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Johathan Barris v. PPL Electric Utilities Corporation**  
**Docket No. C-2018-3003579**

Dear Secretary Chiavetta:

Enclosed for filing is the Motion of PPL Electric Utilities Corporation to Compel Responses to Discovery Propounded on Jonathan Barris – Set I in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Garrett P. Lent', is written over the typed name.

Garrett P. Lent

GPL/jl  
Enclosures

cc: Honorable Elizabeth Barnes  
Certificate of Service

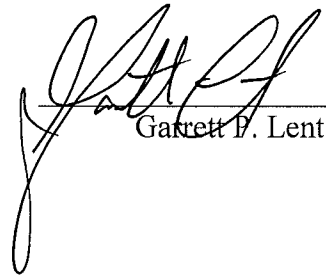
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**VIA OVERNIGHT DELIVERY**

Jonathan Barris  
150 Skinner Hill Road  
Stroudsburg, PA 18360

Date: March 6, 2019



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Garrett P. Lent

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jonathan Barris,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2018-3003579
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

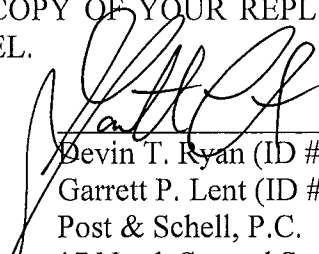
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**NOTICE TO PLEAD**

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YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.342(g)(1), YOU MAY FILE A REPLY TO THE ENCLOSED MOTION TO COMPEL WITHIN FIVE (5) DAYS AFTER THE DATE OF SERVICE. YOUR REPLY SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR REPLY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

Kimberly A. Klock (ID # 89716)  
Michael J. Shafer (ID # 205681)  
PPL Services Corporation  
Two North Ninth Street  
Allentown, PA 18101  
Phone: 610-774-4254  
Fax: 610-774-4102  
E-mail: [kklock@pplweb.com](mailto:kklock@pplweb.com)  
[mjshafer@pplweb.com](mailto:mjshafer@pplweb.com)



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Devin T. Ryan (ID # 316602)  
Garrett P. Lent (ID # 321566)  
Post & Schell, P.C.  
17 North Second Street, 12th Floor  
Harrisburg, PA 17101-1601  
Phone: 717-731-1970  
Fax: 717-731-1985  
E-mail: [dryan@postschell.com](mailto:dryan@postschell.com)  
[glent@postschell.com](mailto:glent@postschell.com)

Curtis S. Renner (DC ID # 446187)  
Watson & Renner  
1101 14<sup>th</sup> Street, NW  
Suite 350 - ENS  
Washington, DC 20005  
(202) 737 6302  
[crenner@w-r.com](mailto:crenner@w-r.com)

Date: March 6, 2019

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jonathan Barris,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2018-3003579
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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**MOTION OF PPL ELECTRIC UTILITIES CORPORATION TO  
COMPEL RESPONSES TO  
DISCOVERY PROPOUNDED ON JONATHAN BARRIS – SET I**

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TO ADMINISTRATIVE LAW JUDGE ELIZABETH H. BARNES:

Pursuant to 52 Pa. Code §§ 5.342(g) and 5.349(d), PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby files this Motion to Dismiss Objections and Compel Responses to Discovery Propounded on Jonathan Barris (“Complainant”) – Set I. In support of its Motion, PPL Electric states as follows:

**I. INTRODUCTION**

1. On October 29, 2018, PPL Electric served Interrogatories and Requests for Production of Documents on the Complainant – Set I (“PPL to Complainant Set I”) via first class mail. A true and correct copy of PPL to Complainant Set I is attached hereto and marked as **Appendix A.**

2. Pursuant to the Commission's regulations, objections to PPL to Complainant Set I were due on or before November 11, 2018, and responses were due on or before November 21, 2019.<sup>1</sup>

3. Complainant did not serve any objections to PPL to Complainant Set I.

4. However, on November 2, 2018, Mr. Barris requested a ninety (90) day extension of time to respond to PPL to Complainant Set I. PPL Electric agreed to provide Mr. Barris with a sixty (60) day extension and, therefore, his responses to PPL to Complainant Set I were due on or before January 2, 2019.

5. Mr. Barris served his responses to PPL to Complainant Set I on December 27, 2019. A true and correct copy of PPL to Complainant Set I is attached hereto and marked as **Appendix B**.

6. Complainant was required to serve any statements, reports and direct testimony of any expert witness he intends to call on or before February 11, 2019. Complainant has served no states, reports or direct testimony for any expert witness.

7. The Company is required to serve its direct testimony in this case on or before March 11, 2019.

8. For the reasons explained below, PPL Electric respectfully requests that Administrative Law Judge Elizabeth H. Barnes (the "ALJ") compel full responses to PPL to Complainant Set I, Questions 3 and 4 discovery requests.

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<sup>1</sup> Because the discovery was served via first-class mail by the United States Postal Service ("USPS"), three days were added to the prescribed period for response. *See* 52 Pa. Code § 1.56(b).

## II. MOTION TO COMPEL

9. PPL Electric requests that the ALJ compel a response to PPL to Complainant Set I, Question 3.

10. Under 52 Pa. Code § 5.321(c), a party is entitled to obtain discovery of any matter not privileged that is relevant to the pending proceeding, or any matter that is reasonably calculated to lead to the discovery of admissible evidence. Discovery is permitted regardless of whether the information sought “relates to the claim or defense of the party seeking discovery or to the claim or defense of another party.” *Id.*

11. Objections to interrogatories and requests for production of documents must be served within 10 days of the date the discovery was served. 52 Pa. Code §§ 5.342(e), 5.349(d). Objecting parties remain under an obligation to provide timely answers to interrogatories or subparts of interrogatories to which they did not object. *Id.* § 5.342(f). Further, objections must be contained in a document separate from an answer. *Id.* §§ 5.342(c), 5.349(d).<sup>2</sup>

12. Answers to written interrogatories must “[a]nswer each interrogatory fully and completely unless an objection is made.” *Id.* § 5.342(a)(4). Answers must be served within 20 days after service of the interrogatories. *Id.* § 5.342(d).

13. Similarly, a party shall serve a response to a request for documents within 20 days after the service of the request. *Id.* § 5.349(d). The requesting party may move to compel a response to a request for documents with respect to a failure to respond to the request. *See id.*

14. As explained herein, the Complainant has failed to comply with the Commission’s discovery rules by failing to provide a full and complete response to PPL to Complainants Set I, Question 3 and produce the documents sought by these requests.

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<sup>2</sup> As seen in Appendix B, the Complainant did not serve objections to discovery. Therefore, Complainant’s failure to provide full and complete responses to discovery requests operate, in effect, as untimely objections.

15. For the reasons stated in more detail below, the ALJ should direct the Complainant to answer fully PPL to Complainant Set I, Question 3. Moreover, should the ALJ grant PPL Electric's Motion to Compel and the Complainant fail to timely provide a full and complete response to Complainant Set I, Questions 3, PPL Electric intends to file a Motion for Sanctions pursuant to 52 Pa. Code §§ 5.371(a), 5.372(a)(1), 5.372(a)(2).

**A. PPL TO COMPLAINANT SET I, QUESTION 3.**

16. PPL to Complainant-I-3 provides:

Please state whether you or any member of your household uses a cell phone. If so, please provide the make and model of each cell phone and, for each phone identified, provide 12 months of phone bills or other records of actual cell phone usage.

17. The Complainant's response to the question states:

My home is set up for a land line, however, I do currently & temporarily have use of an Iphone7pl[sic] (by Apple) which I never carry with me unless f[sic] special circumstances, it is usually stored in a metal box & when I do use it I sit or stand away from it & use speakerphone. I have a frequency detection meter which helps me to determine the safest close distance I can b[sic] to the phone to avoid radiation damage. My cell phone plan won't show anything but the fact that I pay for 3 gigabytes of data & unlimited text & calls each month, but I avoid using the phone whenever possible. Holding the phone will hurt my hand after a few second so I never hold it in my hand when I use it. (emphasis in original)

The response does not provide information about Complainant's amount of cell phone usage and does not provide the requested phone bills that would show the usage.

18. The Complainant's response to PPL to Complainant-I-3 is incomplete and, therefore, non-responsive. Importantly, the discovery request is reasonably narrow in its scope because it only asks for the cell phone usage, if any, by the members of the Complainant's household and documentation of their usage. Section 5.321(c) of the Commission's regulations specifically permits the discovery of "the existence, description, nature, content, custody,

condition and location of any books, documents, or other tangible things” that are relevant to the proceeding. 52 Pa. Code § 5.321(c).

19. The information about Complainant’s cell phone use is highly relevant to the issues raised in this case. Complainant claims that he experiences several health conditions caused by RF fields from AMI meters. However, as the testimony of PPL Electric’s expert witness on RF exposures – Dr. Davis – makes clear, the RF exposure received from use of a cell phone (or even standing within 30 feet of another person using a cell phone) is far higher than from an AMI meter. The Complainant voluntarily uses his Samsung Galaxy S8+ cell phone and experiences the RF exposure from his phone. PPL Electric is entitled to show how the RF exposures from that phone use compare to those from the AMI meter, and is entitled to discover the billing records needed to quantify the amount of time that Complainant chooses to use his phone.

20. Furthermore, the request is narrowly tailored to issues relevant to Complainant’s claims about exposure to RF fields and is not burdensome. The Complainant admits to owning a cell phone and having access to the associated billing records, so there is no reasonable basis to believe that he cannot readily access and print out the requested bills sought by this request.

21. By failing to provide “12 months of phone bills or other records of actual cell phone usage,” let alone object to this request, the Complainant would deprive the Company of the opportunity to analyze the Complainant’s exposure to RF fields by other devices in his possession. Therefore, at a minimum, the Complainant should be compelled to provide the requested documents and records so that the Company may address the Complainant’s existing exposure to RF transmission in its written testimony.

22. For these reasons, the ALJ should direct the Complainant to answer fully PPL to Complainant Set I, Question 3.

**B. PPL TO COMPLAINANT SET I, QUESTION 4.**

23. PPL to Complainant-I-4 provides:

(a) Please state every health condition you claim was caused by a smart meter or will be caused or worsened by the installation of PPL Electric's new smart meter.

(b) Please provide the date that every health condition identified in subpart (a) began.

(c) Please provide copies of all your medical records of every health condition identified in subpart (a).

(d) For each alleged health conditions that you do not have medical records for in response to subpart (c), please state whether such condition was diagnosed by a medical professional. If so, please provide the name, address, and telephone number of the medical professional and the date of the diagnosis.

(e) For each of the alleged health conditions identified in subpart (a), please state whether you have been prescribed any therapy or treatment for the condition by a medical professional. If so, please identify the therapy or treatment, provide the name, address, and telephone number of the prescribing medical professional, and provide the date the therapy or treatment was prescribed

24. Among other things, the Complainant's response to the question states:

(c) -There arent[sic] any yet-

(d) -Does not currently apply-

(e) -Does not currently apply-

The response does not provide any medical records, medical diagnoses, and/or prescribed treatment of therapy associated with the medical conditions Complainant alleges result from exposure to smart meters.

25. As explained above, Section 5.342(a)(4) requires a party to fully and completely answer an interrogatory. 52 Pa. Code § 5.342(a)(4). In addition, a party has a duty to amend its prior responses to discovery requests when the information contained therein is incomplete. *Id.* § 5.332(2).

26. The responses served by the Complainant were incomplete at the time of the response, because Complainant indicates that there aren't any information or records associated with his alleged medical conditions or that the requests for this information do not "currently apply." However, Complainant has not provided PPL Electric with updated or supplemental answers providing the information sought by this question as of the filing of this motion. Therefore, Complainant has failed to fully and completely answer PPL to Complainant-I-4.

27. By failing to provide fully and completely respond to this request and update the incomplete response, the Complainant has deprived the Company of the opportunity to analyze the Complainant's medical claims. Therefore, at a minimum, the Complainant should be compelled to provide the requested documents and records so that the Company may address the Complainant's medical claims at the hearing scheduled in this matter.

28. For these reasons, the ALJ should direct the Complainant to answer fully PPL to Complainant Set I, Question 4.

### **III. NOTICE OF INTENT TO SEEK SANCTIONS**

29. Upon the motion of a party, the presiding office may make an appropriate order for sanctions if a party fails to answer or otherwise respond to a discovery request, or refused to obey an order of the presiding office respecting discovery. *See* 52 Pa. Code § 5.371(a).

30. In ruling upon a motion for sanctions, the presiding office may issue "[a]n order that the matters regarding which the questions were asked...the contents of the paper...shall be

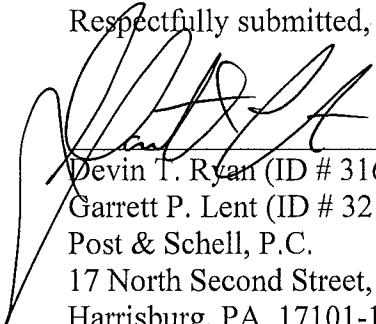
taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order.” *Id.* § 5.372(a)(1). Or the presiding office may issue “[a]n order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting the party from introducing in evidence designated documents, things or testimony.” *Id.* § 5.372(a)(2).

31. Therefore, to the extent that this Motion is granted and the Complainant fails to answer fully PPL to Complainant Set I, Question 3, or otherwise comply with the ALJ’s order, PPL Electric intends to file an appropriate Motion for Sanctions pursuant to 52 Pa. Code §§ 5.371(a), 5.372(a)(1), 5.372(a)(2).

IV. CONCLUSION

For the reasons set forth above, PPL Electric Utilities Corporation respectfully requests that Administrative Law Judge Elizabeth H. Barnes grant this Motion to Compel Responses to Discovery and direct Jonathan Barris to answer fully PPL to Complainant Set I, Questions 3, as described above within three (3) days from the date of the order.

Respectfully submitted,



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Kimberly A. Klock (ID # 89716)  
Michael J. Shafer (ID # 205681)  
PPL Services Corporation  
Two North Ninth Street  
Allentown, PA 18101  
Phone: 610-774-4254  
Fax: 610-774-4102  
E-mail: [kklock@pplweb.com](mailto:kklock@pplweb.com)  
[mjshafer@pplweb.com](mailto:mjshafer@pplweb.com)

Devin T. Ryan (ID # 316602)  
Garrett P. Lent (ID # 321566)  
Post & Schell, P.C.  
17 North Second Street, 12th Floor  
Harrisburg, PA 17101-1601  
Phone: 717-731-1970  
Fax: 717-731-1985  
E-mail: [dryan@postschell.com](mailto:dryan@postschell.com)  
[glent@postschell.com](mailto:glent@postschell.com)

Curtis S. Renner (DC ID # 446187)  
Watson & Renner  
1101 14<sup>th</sup> Street, NW  
Suite 350 - ENS  
Washington, DC 20005  
(202) 737 6302  
[crenner@w-r.com](mailto:crenner@w-r.com)

Date: March 6, 2019

Attorneys for PPL Electric Utilities Corporation

# **APPENDIX A**

## **Interrogatories and Requests for Production of Documents Propounded by PPL Electric Utilities Corporation on Jonathan Barris – Set I**



17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601  
717-731-1970 Main  
717-731-1985 Main Fax  
www.postschell.com

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Devin Ryan

dryan@postschell.com  
717-612-6052 Direct  
717-731-1981 Direct Fax  
File #: 167945

October 29, 2018

Jonathan Barris  
150 Skinner Hill Road  
Stroudsburg, PA 18360

**Re: Jonathan Barris v. PPL Electric Utilities Corporation**  
**Docket No. C-2018-3003579**

Dear Mr. Barris:

Enclosed are the Interrogatories and Requests for Production of Documents Propounded by PPL Electric Utilities Corporation on Jonathan Barris – Set I in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Please provide answers to the enclosed discovery within twenty (20) days of the date of service, pursuant to 52 Pa. Code § 5.342.

Sincerely,

Devin Ryan

DTR/jl  
Enclosures

cc: Rosemary Chiavetta, Secretary (*Letter & Certificate of Service Only*)  
Certificate of Service

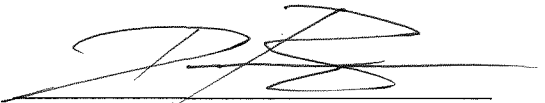
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**VIA FIRST CLASS MAIL**

Jonathan Barris  
150 Skinner Hill Road  
Stroudsburg, PA 18360

Date: October 29, 2018

A handwritten signature in black ink, appearing to read 'D. Ryan', written over a horizontal line.

Devin T. Ryan

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jonathan Barris,	:	
	:	
Complainant	:	
	:	
v.	:	Docket No. C-2018-3003579
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent	:	

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**INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS PROPOUNDED BY  
PPL ELECTRIC UTILITIES CORPORATION ON  
JONATHAN BARRIS – SET I**

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Pursuant to 66 Pa.C.S. § 333 and 52 Pa. Code §§ 5.341 *et seq.*, PPL Electric Utilities Corporation (“PPL Electric”) propounds the following Interrogatories and Requests for Production of Documents (hereinafter, “discovery requests”) on Jonathan Barris (“Complainant”) – Set I.

**INSTRUCTIONS AND DEFINITIONS**

1. The “Responding Party,” “you,” or “your” means the party to which these discovery requests are propounded and/or all attorneys, agents, affiliates, subsidiaries, employees, consultants, members, constituents, and representatives acting on behalf of the Responding Party.
2. “Commission” means the Pennsylvania Public Utility Commission.
3. To “identify” a natural person means to state that person’s full name, title or position, employer, last known address, and last known telephone number.

4. To “identify” a business entity means to state the full name of such business, the form of the business, and its location or address.

5. To “identify” a “document” means to provide all of the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:

- a. The title or other means of identification of each such document;
- b. The date of each such document;
- c. The author, preparer or signer of each such document; and
- d. A description of the subject matter of such document sufficient to permit an understanding of its contents and importance to the testimony or position being examined and the present or last known location of the document. The specific nature of the document should also be stated (*e.g.*, letter, business record, memorandum, computer print-out, etc.).

In lieu of “identifying” any document, it shall be deemed a sufficient compliance with these discovery requests to attach a copy of each such document to the answers hereto and reference said document in the particular interrogatory to which the document is responsive.

6. “Document” means the original and all drafts of all written and graphic matter, however produced or reproduced, of any kind or description, whether or not sent or received, and all copies thereof which are different in any way from the original (whether by interlineation, date-stamp, notarization, indication of copies sent or received, or otherwise), including without limitation, any paper, book, account, photograph, blueprint, drawing, sketch, schematic, agreement, contract, memorandum, press release, circular, advertising material, correspondence, letter, telegram, telex, object, report, opinion, investigation, record, transcript, hearing, meeting, study, notation, working paper, summary, intra-office communication, diary, chart, minutes, index sheet, computer software, computer-generated records or files, however stored, check, check stub, delivery ticket, bill of lading, invoice, record or recording or summary of any telephone or other conversation, or of any interview or of any conference, or

any other written, recorded, transcribed, punched, taped, filmed, or graphic matter of which the Responding Party has or has had possession, custody or control, or of which the Responding Party has knowledge.

7. "Communication" means any manner or form of information or message transmission, however produced or reproduced, whether as a document as herein defined, or orally or otherwise, which is made, distributed, or circulated between or among persons, or data storage or processing units.

8. "Date" means the exact day, month, and year, if ascertainable, or if not, the best approximation thereof.

9. Items referred to in the singular include those in the plural, and items referred to in the plural include those in the singular.

10. Items referred to in the masculine include those in the feminine, and items referred to in the feminine include those in the masculine.

11. The answers provided to these discovery requests should first restate the question asked and identify the person(s) supplying the information.

12. In answering these discovery requests, the Responding Party is requested to furnish all information that is available to the Responding Party, including information in the possession of the Responding Party's attorneys, agents, consultants, or investigators, and not merely such information of the Responding Party's own knowledge. If any of the discovery requests cannot be answered in full after exercising due diligence to secure the requested information, please so state and answer to the extent possible, specifying the Responding Party's inability to answer the remainder, and stating whatever information the Responding

Party has concerning the unanswered portions. If the Responding Party's answer is qualified in any particular, please set forth the details of such qualification.

13. If the Responding Party objects to providing any document requested on any ground, identify such document by describing it as set forth in Instruction 5 and state the basis of the objection.

14. If the Responding Party objects to part of a discovery request and refuses to answer that part, state the Responding Party's objection and answer the remaining portion of that discovery request. If the Responding Party objects to the scope or time period of a discovery request and refuses to answer for that scope or time period, state the Responding Party's objection and answer the discovery request for the scope or time period that the Responding Party believes is appropriate.

15. If, in connection with a discovery request, the Responding Party contends that any information, otherwise subject to discovery, is covered by either the attorney-client privilege, the so-called "attorneys' work product doctrine," or any other privilege or doctrine, then specify the general subject matter of the information and the basis to support each such objection.

16. If any information is withheld on grounds of privilege or other protection from disclosure, provide the following information: (a) every person to whom such information has been communicated and from whom such information was learned; (b) the nature and subject matter of the information; and (c) the basis on which the privilege or other protection from disclosure is claimed.

17. As set forth in 52 Pa. Code § 5.342(g), these discovery requests are continuing, and the Responding Party is obliged to change, supplement, and correct all answers given to conform to new or changing information.

18. "Formal Complaint" means the Formal Complaint filed by the Complainant at Docket No. C-2018-3003579.

**INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS PROPOUNDED ON  
JONATHAN BARRIS – SET I**

PPL to Complainant-I-1

Re: Formal Complaint.

- (a) Please explain in detail the reasons why you are challenging the Company's installation of the new smart meter.
- (b) Please describe in detail all health concerns, if any, raised by the Company's new smart meter, state the bases for such claims, and provide all documents relied upon by you in your response.
- (c) Please describe in detail all safety concerns, if any, raised by the Company's new smart meter, state the bases for such claims, and provide all documents relied upon by you in your response.
- (d) Please describe in detail all privacy concerns, if any, raised by the Company's new smart meter, state the bases for such claims, and provide all documents relied upon by you in your response.
- (e) Please describe in detail all reasons you believe the Company's new smart meter violates the law.

PPL to Complainant-I-2

Please identify all wireless phones, cellphones, microwaves, wireless routers, wifi networks, tablets, computers, Bluetooth speakers, wireless security systems, smart speakers (*e.g.*, Amazon Echo), garage door openers, baby monitors, and walkie talkies that are contained in or used in the house.

PPL to Complainant-I-3

Please state whether you or any member of your household uses a cell phone. If so, please provide the make and model of each cell phone and, for each phone identified, provide 12 months of phone bills or other records of actual cell phone usage.

PPL to Complainant-I-4

- (a) Please state every health condition you claim was caused by a smart meter or will be caused or worsened by the installation of PPL Electric's new smart meter.
- (b) Please provide the date that every health condition identified in subpart (a) began.

- (c) Please provide copies of all your medical records of every health condition identified in subpart (a).
- (d) For each alleged health condition that you do not have medical records for in response to subpart (c), please state whether such condition was diagnosed by a medical professional. If so, please provide the name, address, and telephone number of the medical professional and the date of the diagnosis.
- (e) For each of the alleged health conditions identified in subpart (a), please state whether you have been prescribed any therapy or treatment for the condition by a medical professional. If so, please identify the therapy or treatment, provide the name, address, and telephone number of the prescribing medical professional, and provide the date the therapy or treatment was prescribed.

PPL to Complainant-I-5

Please identify each person you plan to call as a fact witness in this proceeding. For each person, please:

- (a) Provide the person's name, home and business address, background, and qualifications;
- (b) Explain in detail the subject matter(s) on which the witness is expected to testify; and
- (c) Provide the source(s) of information relied upon or referenced by the witness.

PPL to Complainant-I-6

Please identify each person you plan to call as an expert witness in this proceeding. For each person, please:

- (a) Provide the person's name, home and business address, background, and qualifications;
- (b) Explain in detail the subject matter(s) on which the witness is expected to testify;
- (c) Provide the source(s) of information relied upon or referenced by the witness; and
- (d) Provide a copy of the expert witness's current curriculum vitae.

PPL to Complainant-I-7

Please provide copies of all exhibits you intend to present or utilize at the evidentiary hearing in this proceeding. For each exhibit to be used as part of your direct case, please identify the witness who will be sponsoring the exhibit.

# **APPENDIX B**

## **Responses of Jonathan Barris to the Interrogatories and Requests for Production of Documents Propounded by PPL Electric Utilities Corporation – Set I**



17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601  
717-731-1970 Main  
717-731-1985 Main Fax  
www.postschell.com

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Devin Ryan

dryan@postschell.com  
717-612-6052 Direct  
717-731-1981 Direct Fax  
File #: 167945

October 29, 2018

Jonathan Barris  
150 Skinner Hill Road  
Stroudsburg, PA 18360

**Re: Jonathan Barris v. PPL Electric Utilities Corporation**  
**Docket No. C-2018-3003579**

Dear Mr. Barris:

Enclosed are the Interrogatories and Requests for Production of Documents Propounded by PPL Electric Utilities Corporation on Jonathan Barris – Set I in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Please provide answers to the enclosed discovery within twenty (20) days of the date of service, pursuant to 52 Pa. Code § 5.342.

Sincerely,

Devin Ryan

DTR/jl  
Enclosures

cc: Rosemary Chiavetta, Secretary (*Letter & Certificate of Service Only*)  
Certificate of Service

*MR. Devin Ryan has answered my request for more time to fill these interrogatories out, & answers must be received by 11/1*  
*Case law on books/see Cyndi Zylecki vs. Smartmeter in PA. also, see Frampovich vs PECO Energy*

- Responses (and or reasons for not answering) to "Interrogatories & Requests for Production of Documents Propounded on Jonathan Barris-SET

Complainant to PPL I-I (Re- Formal Complaint)

(a) ~~I believe the~~ Please explain in detail the reasons why you are challenging the Company's installation of the New Smart Meter.

I believe the New Smart Meter utilizes pulsed radio frequency/microwave radiation which has been proven to be dangerous to human & animal health already, although there is still a huge amount of data/info we are still learning about & must continue to test for & try to understand. I do not want to be exposed to this pulsed radio-frequency/microwave radiation in my home & living space (or anywhere) if it can be somehow avoided, such as NOT having sources of these emissions located on my house, or on my property.

(b) Please describe in detail all health concerns, if any, raised by the Company's new Smart-Meter, state the basis for such claims, and provide all documents relied upon by you-

- in your response:

My concerns are for having neurological damage and cancer, from the pulsed - RF microwave radiation exposure, much as I would be similarly concerned about getting cancer from other noted sources of

dangerous contamination from sex, smoking or asbestos in my living space, which I can avoid mostly, but as for documentation that would be an extremely involved, complicated ~~and~~ time consuming task which I am not currently prepared to spend my time providing. I have attached a warning page titled "SMART METERS DANGEROUS" which includes some website information sources that document some of the negative health effects of RF microwave & electromagnetic radiation, which evidently the P.U.C. & my electric co. seem to be convinced are not an issue. I should be concerned with I am also attaching some charts showing the different spectrums & frequencies of RF, microwave & electromagnetic radiation ranges, which I am sure to be exposed to from devices like these Radio Frequency Smart Meters (RF SMs) which I understand are not even approved by Underwriters Laboratories.

Pg. 2

# Smart Meters Dangerous

TFL 2-4 (PVT(D))

The clever naming of

Smart Meters doesn't prove they are smart or even safe. A mass body of scientific evidence exists to show increases in cancer and other adverse health effects in people exposed to pulsed radio frequency/microwave radiation such as that emitted by smart meters.

Website [www.bioinitiative.org](http://www.bioinitiative.org) (<http://www.bioinitiative.org/>)

documents more than 2,000 research studies showing the negative health effects of radio frequency/microwave and electromagnetic radiation. Fifty two scientists and physicians from around the world have signed a document refuting the safety of so-called smart meters. The American Academy of Environmental Medicine has called for a moratorium on smart meters in homes and schools based on the documented health hazards of radio frequency/microwave radiation of smart meters. The World Health Organization has categorized radio frequency radiation as a Class 2B carcinogen. Did anyone ever ask you if it was ok to put something that causes cancer on your house and radiate you with it a day?

So far in California, the first state to have smart meters dropped on them unbeknowns like bombs from the sky, 55 local governments – representing almost 4 million people have passed ordinances that make smart meter installations illegal in their jurisdiction. After being ordered by an administrative law judge to answer specific questions, a California utility disclosed that the average number of radio frequency pulses from the smart meters were about 14,000 a day and the maximum would be more than 190,000 pulses a day. That is from one meter!

Smart meters raise power bills. They are not UL safety certified. They have caused fire (see a story (<https://www.dmlawfirm.com/smart-meter-fire-death>) on one smart meter fire) and they spy on our energy use. The people running this project to “smart meter” the world want to know how often and when you use your hair dryer, electric toothbrush, washing machine and television. It's none of their business, and it is OUR business when they install these things on our homes without our knowledge or conse



P<sub>2</sub>

(c) Please describe in detail all safety concerns, if any, raised by the Company's new smartmeter, state the ~~issues~~ bases for such claims, and provide all documents relied upon by you in your response.

I would like to avoid health problems from occurring from being exposed to RF SMs, just as I would avoid consuming poisons & dangerous substances. Please see response to previous part (b)

(d) Please describe in detail all privacy concerns, if any, raised by the Company's new smartmeter, state the bases for such claims, and provide all documents relied upon by you in your response.

Well, seeing as these RF SMs provide "up to the minute" data about every use of electricity, it would be easy enough to know exactly what I am using & when, as would anyone with the abilities to hack bluetooth signals, but I do not see the need for anyone to have this kind of detailed surveillance information of my personal time & life, away from public venues, & in the privacy of my own home.

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support@slt.co › www.slt.co

## RADIOFREQUENCY / MICROWAVE EXPOSURE GUIDELINES

(High Frequency Electromagnetic Waves)

### 1) BUILDING BIOLOGY PRECAUTIONARY GUIDELINES (SBM-2015) For Sleeping Areas

Power density	No Concern	Slight Concern	Severe Concern	Extreme Concern
microWatts per square meter $\mu\text{W}/\text{m}^2$	< 0.1	0.1 - 10	10 - 1000	> 1000
microWatts per square cm $\mu\text{W}/\text{cm}^2$	< 0.000,01	0.000,01 - 0.001	0.001 - 0.1	> 0.1
milliWatts per square meter $\text{mW}/\text{m}^2$	< 0.000,1	0.000,1 - 0.01	0.01 - 1	> 1
Signal strength				
Volts per meter $\text{V}/\text{m}$	< 0.006,14	0.006,14 – 0.061,4	0,061,4 – 0.614	> 0.614

### 2) BIOINITIATIVE REPORT PRECAUTIONARY GUIDELINES (2007 - 2012) [www.bioinitiative.org/](http://www.bioinitiative.org/)

Dr. Martin Blank - Columbia University

Biologically Based Precautionary Levels 1,000  $\mu\text{W}/\text{m}^2$  or 0.1  $\mu\text{W}/\text{cm}^2$

### 3) CANADA AND USA GOVERNMENT GUIDELINES (1999, 2009, 2015)

In Canada, guidelines for Radio Frequency Wave exposure lay under the jurisdiction of Health Canada. Safety code 6 was developed in 1999 and offers federal guidelines for safe RF exposure levels. These limits are in the range of **2,000,000 to 10,000,000  $\mu\text{W}/\text{m}^2$  or 200 to 1000  $\mu\text{W}/\text{cm}^2$**  and are based solely on the short term thermal effects or the heating of body tissue. Adverse biological effects have been documented at levels far below Safety Code 6 guidelines. No Canadian biological exposure guidelines exist for long term exposure to low level Radio Frequency Radiation. This also holds true for the USA.

## AC MAGNETIC & AC ELECTRIC FIELD EXPOSURE GUIDELINES

(Low Frequency Electromagnetic Fields ELF, VLF)

### 1) BUILDING BIOLOGY EVALUATION GUIDELINES (SBM-2015) For Sleeping Areas

AC Magnetic - Flux Density	No Concern	Slight Concern	Severe Concern	Extreme Concern
in nanotesla nT	< 20	20-100	100 - 500	> 500
in milligauss mG	< 0.2	0.2-1	1-5	> 5

AC Electric Field strength with ground potential in volt per meter $\text{V}/\text{m}$	< 1	1-5	5 - 50	> 50
Body voltage with ground potential in milliVolt mV	< 10	10-100	100 - 1000	> 1000
Field strength potential-free in volt per meter $\text{V}/\text{m}$	< 0.3	0.3-1.5	1.5 - 10	> 10

### 2) BIOINITIATIVE REPORT PRECAUTIONARY GUIDELINES (2007 - 2012) [www.bioinitiative.org/](http://www.bioinitiative.org/)

Dr. Martin Blank - Columbia University

AC Magnetic Field Levels 1-2 mG / 100-200 nT

AC Electric Field Levels – Not Addressed in Report

### 3) CANADA AND USA GOVERNMENT GUIDELINES (1999)

In Canada, guidelines for EMF exposure lay under the jurisdiction of Health Canada. Health Canada has not independently established guidelines for magnetic field or electric field exposure. When pressed, they will state that Canada follows the International Commission on Non-Ionizing Radiation Protection "ICNIRP" guidelines (1998) of 830 mG or 83,000 nT at 60 Hz (Magnetic Field) or 4167 V/m (Electric Field) at 60 Hz for a 24-hr period. Since these guidelines are based on short-term acute exposure we still do not have guidelines that protect the public from long-term low level exposure, which is the case with the distribution of electricity. Associations based on epidemiological studies and cause-effect relationships based on laboratory experiments suggests that exposure to magnetic and electric fields should be thousands of times lower.

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### Education

- What is EMR?
- Electromagnetic Spectrum
- What are AC Fields - EMF?
- What is RF Microwave Radiation?
- What are DC Fields?
- What is Ionizing Radiation?
- What is EHS?
- EMF Safety Tips
- EMF / RF Exposure Guidelines
- EMF Studies and Articles
- EMF / RF Conversion Tables
- EMF Books
- EMF Courses
- EMR News
- EMR Events
- EMF Sounds
- SLT Media
- Web Links



### NEWS AND EVENTS

Significant Decrease of Clinical Symptoms After Mobile Phone Base Station Removal - An Intervention  
10/23/2015 9:00:00 AM

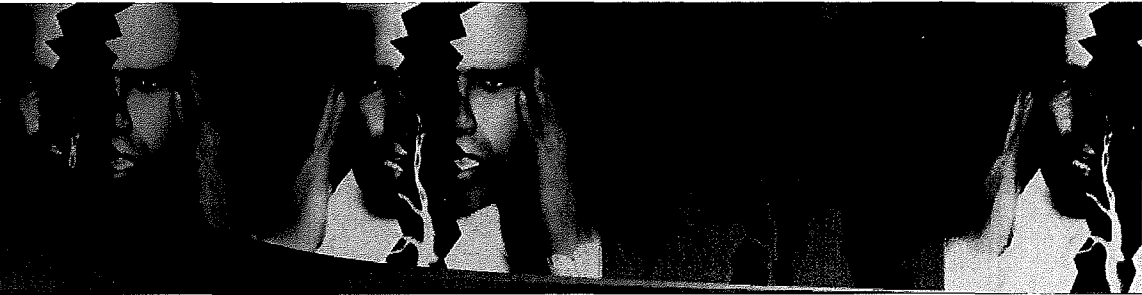
### VIDEOS



Dr. Oz Alert - Why Cell Phones Could Cause Cancer in Kids

### POPULAR LINKS

- Electromagnetic Spectrum
- Local Service Providers
- Medical Professionals
- Ms Jolie Jones
- RF / EMF Exposure Guidelines
- What is EHS?
- What is EMR?
- Women's College Hospital



## Electromagnetic Hypersensitivity "EHS" or Electrical Sensitivity

Technology is changing at a staggering pace. We are now exposed to forces and energies that did not exist decades ago. Many new diseases and sicknesses have developed since our parent's generation including Electromagnetic Hypersensitivity "EHS" and new types of cancer. Both may have links to long term, low level, exposure to Electromagnetic fields "EMF" and radio-frequency waves "RF". EMF is a man made pollutant that consists of AC Electric Fields and AC Magnetic Fields. It is produced from live electrical wiring, electric appliances and electronic devices. RF waves are produced by all wireless communication products.

AC Electric Fields, AC Magnetic Fields and RF radiation are invisible yet exist everywhere. They are detrimental to our health and it is necessary to reduce prolonged exposure. Safe Living Technologies specializes in electrical pollution detection and mitigation. We have the technology and instrumentation to detect and eliminate these unwanted fields.

### Symptoms of EHS

**Neurological:** headaches, dizziness, nausea, difficulty concentrating, memory loss, irritability, depression, anxiety, insomnia, fatigue, weakness, tremors, muscle spasms, numbness, tingling, altered reflexes, muscle pain and joint pain, leg pain or foot pain, "Flu-like" symptoms, fever. More severe reactions can include seizures, paralysis, psychosis and stroke.

**Cardiac:** palpitations, arrhythmias, pain in the chest or pressure in the chest, low blood pressure or high blood pressure, slow heart rate or fast heart rate, shortness of breath.

**Respiratory:** sinusitis, bronchitis, pneumonia, asthma.

**Dermatological:** skin rash, itching, burning, facial flushing.

**Ophthalmologic:** pain in the eyes or burning in the eyes, pressure in the eyes or pressure behind the eyes, deteriorating vision, floaters, cataracts.

**Others:** digestive problems, abdominal pain, enlarged thyroid, testicular pain / ovarian pain, dryness of lips, dryness of tongue, dryness of mouth, dryness of eyes, great thirst, dehydration, nosebleeds, internal bleeding, altered sugar metabolism, immune abnormalities, redistribution of metals within the body, hair loss, pain in the teeth, deteriorating fillings, impaired sense of smell, ringing in the ears, sensitivity to sounds and light, infertility.

### Long Term Health Effects

Adult cancer, tumours, childhood leukemia, breast cancer, DNA strand breakage, abnormal cell division, nerve damage, MS, ALS, Alzheimer and Parkinson disease, brain damage, melatonin reduction, and miscarriages.

### Prognosis

The severity of the symptom usually indicated the degree or stage of EHS. The stages vary from slight discomfort to debilitating long term effects. Once diagnosed, the complete elimination of electromagnetic radiation is necessary for relief. Recovery is possible but requires fortification of the immune system. This has proven to be a multi-step process unique to each individual and assistance from medical professional (Naturopathic or Environmental Doctor) is suggested.

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## Radio Frequency "RF" Power Density to Volts Per Meter Unit Conversion Chart

milliVolts Per Meter	Volts Per Meter	Watts/Sq Meter	milliWatts/sq Meter	microWatts/Sq Meter	Watts/Sq Centimeter	milliWatts/Sq Centimeter	microWatts/Sq Centimeter
0.001,94 mV/m	0.000,001,94 V/m	0.000,000,000,000,01 W/m <sup>2</sup>	0.000,000,000,01 mW/m <sup>2</sup>	0.000,000,01 µW/m <sup>2</sup>	0.000,000,000,000,000,001 W/cm <sup>2</sup>	0.000,000,000,000,001 mW/cm <sup>2</sup>	0.000,000,000,001 µW/cm <sup>2</sup>
0.006,14 mV/m	0.000,006,14 V/m	0.000,000,000,000,1 W/m <sup>2</sup>	0.000,000,000,1 mW/m <sup>2</sup>	0.000,000,1 µW/m <sup>2</sup>	0.000,000,000,000,001 W/cm <sup>2</sup>	0.000,000,000,000,01 mW/cm <sup>2</sup>	0.000,000,000,01 µW/cm <sup>2</sup>
0.019,4 mV/m	0.000,019,4 V/m	0.000,000,000,001 W/m <sup>2</sup>	0.000,000,001 mW/m <sup>2</sup>	0.000,001 µW/m <sup>2</sup>	0.000,000,000,000,001 W/cm <sup>2</sup>	0.000,000,000,000,1 mW/cm <sup>2</sup>	0.000,000,000,1 µW/cm <sup>2</sup>
0.0614 mV/m	0.000,061,4 V/m	0.000,000,000,01 W/m <sup>2</sup>	0.000,000,01 mW/m <sup>2</sup>	0.000,01 µW/m <sup>2</sup>	0.000,000,000,000,001 W/cm <sup>2</sup>	0.000,000,000,001 mW/cm <sup>2</sup>	0.000,000,001 µW/cm <sup>2</sup>
0.194 mV/m	0.000,194 V/m	0.000,000,000,1 W/m <sup>2</sup>	0.000,000,1 mW/m <sup>2</sup>	0.000,1 µW/m <sup>2</sup>	0.000,000,000,000,01 W/cm <sup>2</sup>	0.000,000,000,01 mW/cm <sup>2</sup>	0.000,000,01 µW/cm <sup>2</sup>
0.614 mV/m	0.000,614 V/m	0.000,000,001 W/m <sup>2</sup>	0.000,001 mW/m <sup>2</sup>	0.001 µW/m <sup>2</sup>	0.000,000,000,000,1 W/cm <sup>2</sup>	0.000,000,000,1 mW/cm <sup>2</sup>	0.000,000,1 µW/cm <sup>2</sup>
1.94 mV/m	0.001,94 V/m	0.000,000,01 W/m <sup>2</sup>	0.000,01 mW/m <sup>2</sup>	0.01 µW/m <sup>2</sup>	0.000,000,000,001 W/cm <sup>2</sup>	0.000,000,001 mW/cm <sup>2</sup>	0.000,001 µW/cm <sup>2</sup>
6.14 mV/m	0.006,14 V/m	0.000,000,1 W/m <sup>2</sup>	0.000,1 mW/m <sup>2</sup>	0.1 µW/m <sup>2</sup>	0.000,000,000,01 W/cm <sup>2</sup>	0.000,000,01 mW/cm <sup>2</sup>	0.000,01 µW/cm <sup>2</sup>
19.4 mV/m	0.019,4 V/m	0.000,001 W/m <sup>2</sup>	0.001 mW/m <sup>2</sup>	1 µW/m <sup>2</sup>	0.000,000,000,1 W/cm <sup>2</sup>	0.000,000,1 mW/cm <sup>2</sup>	0.000,1 µW/cm <sup>2</sup>
61.4 mV/m	0.061,4 V/m	0.000,01 W/m <sup>2</sup>	0.01 mW/m <sup>2</sup>	10 µW/m <sup>2</sup>	0.000,000,001 W/cm <sup>2</sup>	0.000,001 mW/cm <sup>2</sup>	0.001 µW/cm <sup>2</sup>
194 mV/m	0.194 V/m	0.000,1 W/m <sup>2</sup>	0.1 mW/m <sup>2</sup>	100 µW/m <sup>2</sup>	0.000,000,01 W/cm <sup>2</sup>	0.000,01 mW/cm <sup>2</sup>	0.01 µW/cm <sup>2</sup>
614 mV/m	0.614 V/m	0.001 W/m <sup>2</sup>	1 mW/m <sup>2</sup>	1,000 µW/m <sup>2</sup>	0.000,000,1 W/cm <sup>2</sup>	0.000,1 mW/cm <sup>2</sup>	0.1 µW/cm <sup>2</sup>
1,942 mV/m	1.94 V/m	0.01 W/m <sup>2</sup>	10 mW/m <sup>2</sup>	10,000 µW/m <sup>2</sup>	0.000,001 W/cm <sup>2</sup>	0.001 mW/cm <sup>2</sup>	1 µW/cm <sup>2</sup>
6,140 mV/m	6.14 V/m	0.1 W/m <sup>2</sup>	100 mW/m <sup>2</sup>	100,000 µW/m <sup>2</sup>	0.000,01 W/cm <sup>2</sup>	0.01 mW/cm <sup>2</sup>	10 µW/cm <sup>2</sup>
19,416 mV/m	19.4 V/m	1 W/m <sup>2</sup>	1,000 mW/m <sup>2</sup>	1,000,000 µW/m <sup>2</sup>	0.000,1 W/cm <sup>2</sup>	0.1 mW/cm <sup>2</sup>	100 µW/cm <sup>2</sup>
61,400 mV/m	61.4 V/m	10 W/m <sup>2</sup>	10,000 mW/m <sup>2</sup>	10,000,000 µW/m <sup>2</sup>	0.001 W/cm <sup>2</sup>	1 mW/cm <sup>2</sup>	1,000 µW/cm <sup>2</sup>
194,164 mV/m	194 V/m	100 W/m <sup>2</sup>	100,000 mW/m <sup>2</sup>	100,000,000 µW/m <sup>2</sup>	0.01 W/cm <sup>2</sup>	10 mW/cm <sup>2</sup>	10,000 µW/cm <sup>2</sup>
614,003 mV/m	614 V/m	1,000 W/m <sup>2</sup>	1,000,000 mW/m <sup>2</sup>	1,000,000,000 µW/m <sup>2</sup>	0.1 W/cm <sup>2</sup>	100 mW/cm <sup>2</sup>	100,000 µW/cm <sup>2</sup>
1,941,648 mV/m	1942 V/m	10,000 W/m <sup>2</sup>	10,000,000 mW/m <sup>2</sup>	10,000,000,000 µW/m <sup>2</sup>	1 W/cm <sup>2</sup>	1,000 mW/cm <sup>2</sup>	1,000,000 µW/cm <sup>2</sup>
6,140,032 mV/m	6140 V/m	100,000 W/m <sup>2</sup>	100,000,000 mW/m <sup>2</sup>	100,000,000,000 µW/m <sup>2</sup>	10 W/cm <sup>2</sup>	10,000 mW/cm <sup>2</sup>	10,000,000 µW/cm <sup>2</sup>

Formulas:  $V/m = \sqrt{W/m^2 \times 377}$  Volts per meter = the square root of the product of Watts per square meter times 377

Note: V/m and mV/m are rounded

Further, I was never made aware of the collection policies & usage of GRANULAR DATA, in my electricity usage & billing contract with my utility, nor am I aware of GRANULAR DATA COLLECTION being in their Charter. Again, to document this as you seem to want, is not something I am currently having the time for.

(e) Please describe in detail all reasons you believe the Company's new SmartMeter violates the law.

Aside from exposing me to a known class 2 carcinogen, violating my privacy, & collecting GRANULAR DATA without my consent, I believe Act 129 2008 provided an "OPT IN" & "OPT OUT" provision for Pennsylvania Utility customers which was removed in a REWORDING of this bill by the P.U.C. & re introduced as HB222 which took away the "OPT IN" & "OPT OUT" provisions, somewhat sneakily, I think, since practically nobody seems to be aware that they no longer have a choice in the matter in Pennsylvania, unlike other states. The ALH also seems to be completely dismissive of anyone's wish to NOT be part of this RFSM scheme despite any evidence

NON CONSTITUTIONALITY OF SMARTMETERING  
Electric Co's & PUC are forcing PA residents  
to have RF SMARTMETERS on & or near Homes, with  
no recourse or "OPT OUT" provisions...

This is in clear violation of U.S. Constitution Amendments  
\* 1 and \* 4 in the very least, and is life threatening

OUR NATIONAL TOXICOLOGY Program has ACKNOWLEDGED at least  
7 different types of electromagnetic (EMF) related cancer  
from wireless radiation emitting devices...

Also, (need to state presidents of Invasion of Privacy in the Hon.  
the Electric Co's are in clear violation of their own UTILITY  
CHARTER for electromechanical metering of electrical-  
usage ONLY & NOT LEGALLY CHARTERED FOR:

- Granular personal electronic data collection
- Personal electronic Metadata collection
- forceful exposure to known carcinogenic  
neurotoxin & genotoxin \*

IF SUING: MUST PROVIDE PROOF OF COLLUSION (in Legal Discovery  
between Utility & Governmental Agencies / Legislators  
(this would specifically include PUC) in Commonwealth Higher Court

of any merit being introduced for reasons this RF5M plan should not include them if they don't want to participate in it. <sup>committed</sup> I also believe the path set by the ~~head~~

~~RF5M~~ in this regard, should be scrutinized & changed, considering that he has several monetary incentives to have this RF5M scheme in place, which would address a conflict of interests, very clearly, & are

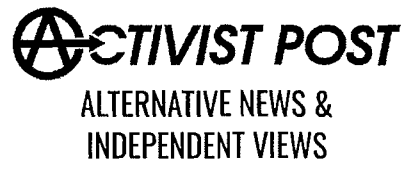
akin to "the fox guarding the hen house" as far as having any fair & balanced view of customer's rights in Pennsylvania. I have also included an article reprinted & attached here, which explains what I am describing & why. (Activist Post Article)

### Complaint to PPL I-2

Please identify all wireless phones, cell phones, microwaves, wireless routers, WiFi networks, tablets, computers, Bluetooth speakers, wireless security systems, smart speakers, (e.g. Amazon Echo) garage door openers, baby monitors and walkie talkies that are contained or used in the house.

None of these devices are used in my house except the occasional cellphone usage on "speakerphone" from a "safe" distance

Presentive  
Summer Affairs  
Robert Goodshall



SunPulse Solar

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HOT TOPICS JULY 27, 2018 | THE STRANGE CONVERGENCE OF TECHNOLOGIES OF

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HOME ACTIVISM

# AMI Smart Meters ILLEGALLY Forced On Pennsylvania Consumers; Act 129 States "Not Mandatory"

*Handwritten note:* 122 1/10

TOPICS: Catherine Frompovich EMF Smart Meters  
FEBRUARY 16, 2017

DAILY NEWSLETTER

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By Catherine J. Frompovich

*Advanced Metering Infrastructure (AMI) utility Smart Meters for electric, natural gas and water are being forced onto Pennsylvania utility customers by utility companies backed up by the Pennsylvania Public Utility Commission's (PA PUC) implementation rules and regulations, i.e., AMI SMs are "mandatory," which are in total contradiction to the Legislative History, intent, enactment, and what was published in official public state records declaring AMI Smart Meters are not mandated! Basically, the bill SB2200, as passed by the PA Legislature, is/was an "opt IN bill"! Refer to HB2200 §2807(f)7(2)(i)!*

I refused an AMI Smart Meter and have kept one off my home's electric service for several years citing health reasons, as I'm a breast cancer survivor who does not want to be exposed to non-thermal radiation waves smart meters emit in various ways, including possible – but scientifically documented – adverse health issues attributed to non-thermal radiation harms from microwave technology per published global scientific peer review research.

As a result of the formal complaint I filed with the PA PUC, I had a two-day hearing before two PA PUC Administrative Law Court Judges (Heep and Pell in Philadelphia) and squared off against four PECO

**SunPulse**

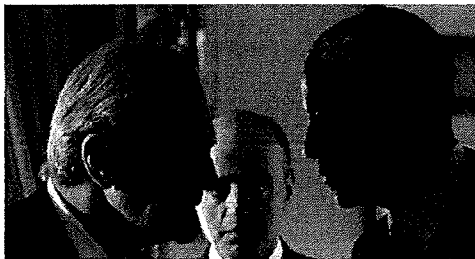


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expert witness and three PECO attorneys. I must say I held my ground in spite of PECO's objecting to the cancer studies and research regarding microwave EMF/RF/ELF radiation and cancer(s) I tried entering into the hearing record, especially the fifteen human male and female breast cancers documented as part of a compendium of almost 240 cancers studies attributed to EMF/RF/ELF. Those studies really got PECO's attorneys' britches twisted! They had to do everything they could to keep them out of the record, and they did.

AMI Smart Meters operate on microwaves to send, receive and collect information to and from the meter(s) at customers' homes. Those messages can occur every 15 seconds, which can allow "dirty electricity" (harmonics or sinusoidal waves) to travel over the copper wires inside the walls of customers' homes every 15 seconds every hour, every day of every month of every year, as customers cannot turn them off like you can your cell phone, microwave oven, etc.



### Watch Obama's Will Ruin Him

The video you're about t

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What I've uncovered regarding the illegality of Act 129 (2008) the PA PUC states it is enforcing is totally different from, *and contrary to*, **what the State Legislature actually passed**, i.e., HB2200. *Basically, the PA PUC changed the law from not mandated to mandatory while drafting implementation rules and regulations for AMI SMs in Pennsylvania.*

As a result of my hearing November 2-3, 2016, I had



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### MUST SEE VIDEOS



JULY 27, 2018

Were There Double Standards Of The U.S. Legal System, Especially With Obama-era Federal Agents?

JULY 27, 2018

Contact U.S. Officials ASAP about Federal 5G Microwave Technology

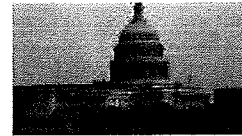
to file a Brief due January 25, 2017 and a Respondent's Brief due February 15<sup>th</sup>. Below is the "Argument" portion of the Respondent's Brief, as I think Pennsylvanians ought to know the facts about what's going on regarding forced AMI SMs when, in reality, they are not mandated, as you will see, plus other issues addressed in the Brief that reveal the underbelly of regulatory agencies and utilities working hand-in-hand, I contend.

## Respondent Brief ARGUMENT

Frompovich presented, prior to the November 2-3 hearing date, 195 pages of testimony (18 pages) and Exhibits she was prepared to present at court but was not permitted to do so. Frompovich has testified before the U.S. Congress, the FDA and various states legislatures and their committee hearings so she is familiar with how to present testimony. Frompovich's apparent damaging expert testimony and 32 Exhibits were something PECO could not allow to get on public record, so the hearing became a trial format rather than Frompovich being allowed to present her testimony as originally presented prior to the hearing.

Particular exhibits Frompovich tried introducing often were objected to, especially anything having to do with cancer(s) and EMF/RF/ELF microwave radiation exposures since her case is the "seminal case" regarding cancer and EMF/RF/ELF for not only PECO but probably the entire microwave industry.

As a *Pro Se* litigant Frompovich should be entitled to more tolerant construction of technicalities and procedural rules and should have been permitted to admit the numerous peer review studies showing a link between breast cancer (15 male and female human breast cancer studies 1986 to 2005) and other cancers relating to EMF/RF/ELF exposures (almost



**Bills That Allow Cell Towers Everywhere. Newsweek, etc. Continue Warnings.**



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JULY 26, 2018

**John**

240 total studies involved), which are highly relevant and competent evidence in

Frompovich's defense. Those studies are easily accessible at [www.justproveit.net/studies](http://www.justproveit.net/studies) (cancer). Those studies are in the public domain of which this Honorable Court can confirm and take judicial notice, since Frompovich's health literally is at stake. So, when PECO states there is no evidence of a link between radiofrequency fields and adverse health effects—including cancers, we can see that PECO's statement is simply false.

PECO experts presented scientific indication regarding no such thing as non-thermal radiation adverse health effects are accepted by consensus microwave industry science, however, PECO's medical expert identified non-thermal radiation adverse health effects medically as "idiopathy environmental intolerance" (IEI). *Cf. transcript*

**Kasich's "Wild Wild West" Ohio Includes No Permits or Fees Required for Cable or Video Service Providers to Install Micro Wireless Infrastructure Underground.**

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JULY 22, 2018

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**Money  
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Extraordin  
aire**

JULY 26, 2018

Page 278 (14-18)

PECO Attorney Watson Q. Let me ask you this. Is it generally accepted in the scientific or medical communities that idiopathic environmental intolerance to EMF and the variety of symptoms and conditions attributed to it are caused, contributed to or exacerbated by exposure to radiofrequency fields?

Page 278 (25) Dr. Israel A. **It is not generally accepted.**

Page 272 (14-16)

Dr. Israel A. We typically refer to them as IEI, **idiopathy environmental intolerance**, and followed by whatever that intolerance is, **EMF**, some chemical, whatever.

Page 274 (8-9)

PECO Attorney Watson Q. Do I understand that you're telling us that IEI is simply neutral, a neutral way to describe –

Page 274 (10-12)

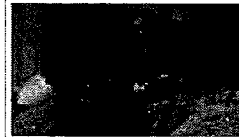
Dr. Israel A. That's the way the World Health Organization proposed, and I think **that's what's generally used amongst physicians today.**

Idiopathy is a disease or condition that arises spontaneously or for which the cause is unknown, according to medicine. Dr. Israel even admitted [on page 272 (14-16)] EMF could be a cause of cancer, by enumerating EMF as one of the possible causes



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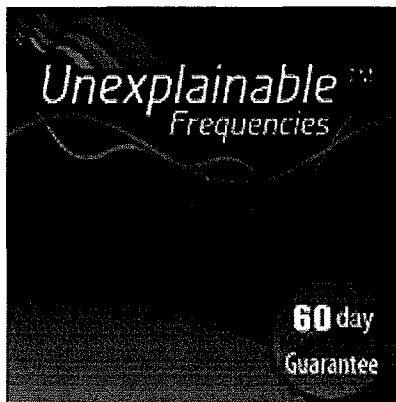
JANUARY 10, 2012

followed by his disinterested “whatever” comment – all being instances of “*uncertain science*” admissions from PECO.

Furthermore, the above example of “*uncertain science*” is emphasized with regard to PECO’s “pulse” vs “no pulse” internal contradictions regarding their AMI Smart Meter demonstrating even from PECO’s viewpoint, PECO really has not shown the *FlexNet* meters to be “safe.” That brings up the “Burden of Proof” argument.

PECO, through its expert Dr. Mark Israel, takes the position the only views which “count” are its own, and then, after discounting the contrary evidence, it denies that any such evidence even exists. *Cf. PECO Brief Pg. 13 (89)*

PECO completely discounts the fact that Frompovich was qualified as an expert witness and author in “nutrition and natural healing, and treating cancer from that perspective.” Therefore, what PECO denigrates as Frompovich’s mere “beliefs” are actually legally admissible expert testimony, which weighs against exposing Frompovich to any further radiation burden upon her health and body, in Frompovich’s expert opinion.



As a recognized expert witness, Frompovich was legally entitled to present her expert testimony regarding the adverse effects upon her, based upon her research and review of the scientific literature.

Frompovich established herself with this Honorable Court’s approval as an

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expert qualified to give expert testimony and not mere “beliefs.” PECO also failed to present any contradictory evidence on those points, as PECO failed to have its own expert in the same field.

Expert witnesses are entitled to present their expert opinions based upon their research and review of the scientific literature, other documents, etc., as PECO’s Dr. Mark Israel was permitted to do, within the scope of their court-recognized expertise. Frompovich’s testimony was not mere lay “beliefs.”

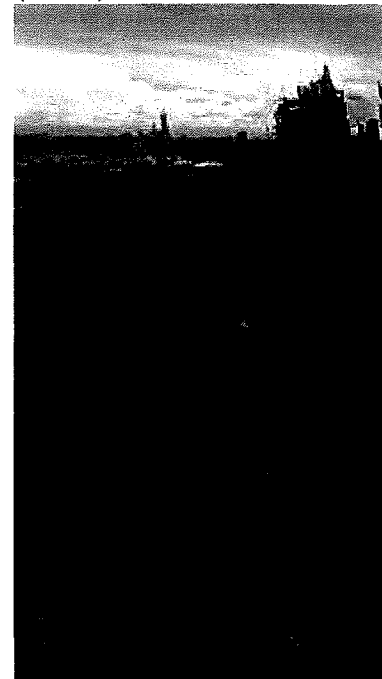
PECO, a huge corporation, bears the burden of proof to document via meter icons or signage openly displayed, *just not hearsay testimony from PECO employees, or paid expert witnesses Israel and Davis,* the PECO *FlexNet* AMI Smart Meters are absolutely safe. PECO has failed to do that in view of their admitted uncertainty about science. Furthermore, Frompovich, an older (almost 79 years old) American cancer survivor, should not have to bear the burden of proof to show that the PECO *FlexNet* Smart Meters are unsafe.

In general, PECO has not shown the *FlexNet* AMI Smart Meters to be safe other than by testimony from PECO’s employee Mr. Pritchard and their paid expert witness Dr. Davis testimony, and with no outside third party certification on the meters, e.g., Underwriters Laboratories (UL) seal of approval. The PECO litany “there is no danger,” and “there is no relationship between radiofrequency and bioeffects” are belied by the admittedly “idiopathic” (unknown) nature of the maladies discussed above, and by the information readily available in the public domain cited above and in the footnote documentary “Take Back Your Power” by Josh del Sol on YouTube.[1]

PECO, as such, is attempting to inflict their unsafe

## Activist Post's Polls

(1 of 6)



8,474 Votes

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World War III

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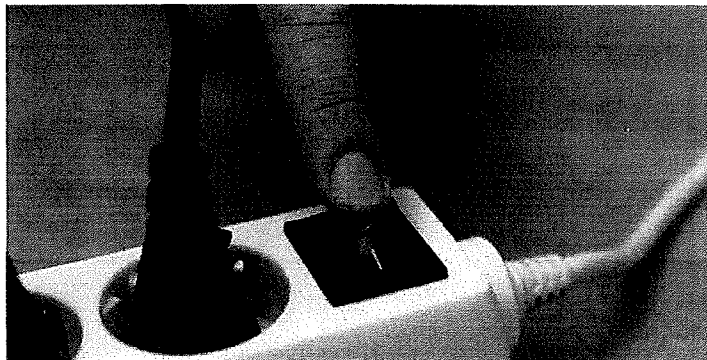
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meters upon Frompovich, against Frompovich's consent; against basic fundamental property rights; and in excess of PECO's regulatory authority granted by both federal and Pennsylvania law. Both those government authorities make the smart meter program voluntary only. Cf. *Pub. L. 109-58 the Energy Policy Act of 2005 §1252. Smart Metering; Pennsylvania HB2200 §2807(f)7(2) and PA P.L. 1592, No. 129.*



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That action by PECO, a huge Exelon-owned corporation, is forcefully making Frompovich to gamble with her health, home, wellbeing, and serenity. Therefore, PECO, a huge corporation, bears the burden of proof, which they have failed to carry.

PECO's "burden of proof" argument, i.e., Frompovich failed to prove she is a cancer survivor when, in fact, Frompovich presented her very competent testimony as an expert in her field, as recognized by this Honorable Court, on the record that she is a breast cancer survivor; wrote a book [*A Cancer Answer, Holistic BREAST Cancer Management, A Guide to Effective & Non-Toxic Treatment*] about it, which PECO introduced to the Court; and also provided PECO with a letter from her treating physician as to her cancer patient status.

Therein resides the entire legal premise and disconnect in the Frompovich case: denial by PECO of the existence of non-thermal radiation waves adverse health effects, i.e., Electrosensitivity, EHS

1932; Microwave hearing (tinnitus) 1962; Blood-brain barrier leakage 1979; Depression, suicide 1979; Alzheimer's disease 2009; Brain tumors, glioma, etc. 2009; **Tumor production 2015**, which are contrary to PECO's expert Dr. Mark Israel's consensus findings, and other adverse human health effects, one of which is cancer(s), as documented in world-wide research and publications which PECO and apparently the PA PUC accept as not valid science despite 32% of industry-sponsored studies found non-thermal effects. *Cf. Frompovich Exhibit O; Brief pp. 31-32 (82-83)*

Frompovich introduced into the hearing record Exhibit O, *Cf. Complainant Exhibit No. 2 (Tr. Pp. 232 & 250)* a graphic with two pie charts indicating the state of industry-sponsored versus independent, non-industry-sponsored research findings. **Thirty-two percent (32%) industry-sponsored research found non-thermal adverse effects** and 68% found no non-thermal effects; whereas **non-industry-sponsored research found 70% non-thermal adverse health effects** and 30% no non-thermal effects. One of the key criteria of **fact-based science** is any scientific finding that contradicts a majority of findings must be given standing. *“Negative findings are a valuable component of the scientific literature because they force us to critically evaluate and validate our current thinking, and fundamentally move us towards unabridged science.”[2]*

Frompovich, furthermore, in her Brief introduced the apparent scientific mischief, conflicts of interest and probable fraud regarding EMF/RF/ELF 'science' as propagandized by industrial professional societies, e.g., ICNIRP, which PECO experts used as their scientific expertise and industry proof. *Cf. Frompovich Brief pp. 39-45 (100-115)*

Frompovich introduced into the hearing record the fact that AMI Smart Meters are not safe, and questioned why an Underwriters Laboratories (UL) certificate of compliance and safety icon is not provided with each PECO AMI Smart Meter. *Cf. Brief pp. 24-27; (70 for UL reference); Transcript p. 158 (12-21)*



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As a result of the retrofit of PECO AMI Smart Meters, “hot sockets” can and do occur. PECO has a built-in monitoring system in its *FlexNet* AMI Smart Meters using microwave technology they can adjust for “alarms” and “false alarms” regarding heat buildup in smart meters, specifically to avoid sun beating down on to PECO meters causing excess heat. Special transmissions back to PECO alarm notification indicate whether a meter is heating up. On hot summer days, however, PECO ‘tweaks’ the system to adjust for ‘sunburn’ on smart meters in order to avoid “false alarms,” which actually jeopardizes the safety of PECO’s smart meters and the households to which they are attached. Hot sockets result from meter jaws being tampered with during retrofitting of PECO’s AMI Smart Meters. Furthermore, the new PECO smart meters do not have the safety features of analog meters, e.g., Bakelite (heat/fire-proof) backs and glass domes.

Current standard AMI Smart Meters contain numerous



plastic parts, which are prone to overheating (thus the built-in PECO “alarm system”), especially if or when PECO sends out microwave



message instructions to their meters to raise temperature monitoring levels to prevent summer heat buildup “false alarms.” Standard AMI Smart Meters are not built with surge resistors. Frompovich questioned whether surge resistors were built into PECO *FlexNet* meters and Mr. Pritchard (PECO employee) said they were. *cf. Transcript p. 157 (3)* However, if PECO’s *FlexNet* AMI Smart Meters are not built with surge resistors (*is that the reason for PECO’s FlexNet meters’ “alarm system”*), then that is/becomes a functionally unsafe meter, especially in view of PECO’s actions to prevent “false alarms,” as discussed above.

That PECO signal-action alone to prevent “false alarms,” plus flammable plastic meter parts, **establishes PECO’s legal culpability for supplying unsafe and unreliable utility service**, something violating the PA PUC Mission statement: “*The Pennsylvania Public Utility Commission balances the needs of consumers and utilities; ensures safe and reliable utility service at reasonable rates; protects the public interest...*” by retrofitting new unsafe plastic-parts AMI Smart Meters on to customers’ homes. The PA PUC should mandate safe, non-plastic-parts meters for all utility customers in the Commonwealth of Pennsylvania with Underwriters Laboratories certification certificates or icons attached, or PA PUC is not doing their administrative due diligence, Frompovich contends.

PECO states its *FlexNet* AMI Smart Meters do not operate on a mesh network. *Cf. Transcript*

Frompovich respectfully disagrees and challenges PECO's semantical premise asserting a non-mesh network. A mesh network has two decentralized connection arrangements, i.e., full mesh topology and partial mesh topology [the way in which constituent parts are arranged, integrated and/or operate].

Frompovich introduces as *Respondent Exhibit No. 4*, Page 8, "PECO's Multi-Tiered Smart Grid Network" diagram from Glenn Pritchard's presentation[3] before the IEEE *cf. Transcript p. 127 (3-7)* titled "PECO delivers a Reliable and Resilient Smart Grid" wherein several complex networks called "communication tiers" are described: Tier 1, the 375 miles of fiber optic communications; Tier 2, the WiMAX wireless communication network; Tier 3, the low bandwidth network; and Tier 4, HAN the in-home communications network. WiMAX is a 3.5 gigahertz communication. *Cf. Transcript Pg. 148 (17-19)*

Note: one gigahertz equals one billion or  $1^9$  cycles per second. Megahertz equals one million cycles per second. Hertz denotes cycles per second.

Based upon PECO employee Mr. Pritchard's Page 8 chart discussed above, **PECO's *FlexNet* AMI Smart Meters operate on a partial mesh topology.** If the ZigBee radio *cf. Transcript 132 (19-24)* is 2.4 gigahertz frequency *cf. Transcript p. 135 (10-12)* and the WiMAX is a 3.5 gigahertz communication network, something is totally disproportionate regarding the figures PECO states relating to EMF safety of *FlexNet* meters, Frompovich contends. Consumers are forcefully subjected to 3.5 GHz and an added 2.4 GHz without their knowledge or consent with unknown side effects, which basically is an experiment on the

human organism. Only part of the PECO *FlexNet* meter communication tier transmits at 901-901.1 megahertz—probably Tier 3.

Mr. Pritchard apparently misrepresented or misstated the power of the ZigBee radio on Page 163 (23-24) when he said, “That would be the purpose of the low power ZigBee radio itself.” The ZigBee, according to Mr. Pritchard at Pg. 134 (17), “...**would be putting out a message every 30 seconds,**” not only ten times a day, as PECO expert Glenn Pritchard previously testified, “*On average most meters transmit less than ten times a day with the FlexNet radio.*” Cf. Transcript Pg. 133 ((15-17) That indicates yet another misrepresentation of the facts by PECO regarding its AMI Smart Meter(s) made during the Frompovich hearing and which this Honorable Court needs to make note of and factor into its decision-making processes.

Furthermore, Mr. Pritchard in answering His Honor Judge Pell’s questioning stated, “It could be **once every five minutes to once every hour or maybe once a day** depending on what the device – whether it would be a smart thermostat, a dishwasher as you mentioned or maybe an in-home display device.” Cf. Transcript Pg. 169 (1-5)

Judge Pell then remarked, “I understand you to say that, **if it doesn’t connect with anything, it pulses every 30 seconds?**” PECO employee and expert Pritchard states, “**It continues to seek that, yes.**” Whereas, His Honor Judge Pell then asks, “**Indefinitely or will it decide, okay, I’m not finding anything, stop? Can that be adjusted?**” Mr. Pritchard replied, “No.” Judge Pell queries further, “**No. Does it have to be that way?**” Mr. Pritchard replied, “**We have no options with that.**” Cf. Transcript Pg. 169 (1-17)

Frompovich respectfully points out to this Honorable Court the grossly contradictory PECO expert's sworn testimony regarding ZigBee radios transmission/communications from and by PECO AMI *FlexNet* Smart Meters.

2.4 gigahertz frequency is the power at which Wi-Fi (Wireless Fidelity) operates. The WiMAX, then, at 3.5 gigahertz is a more powerful Wi-Fi—a network more vulnerable to hack attack than wired connections. The 'low' Mr. Pritchard refers to apparently is the lower end of the billion cycle transmission range. Frompovich contends obfuscation on the part of PECO experts inadvertently confusing this Honorable Court while establishing a public record and, hopefully, case law to cite later.

His Honor Judge Pell asks some probing questions regarding ZigBee at *Transcript pages 168 to 170*, which ought to be revisited by this Honorable Court, in view of the above information about PECO's **Multi-Tiered Smart Grid Network**. [Note to readers: You can see the PECO Grid Network in color on page 8 at this link [http://sites.ieee.org/isgt2014/files/2014/03/Day2\\_Panel1C\\_Pritchard.pdf](http://sites.ieee.org/isgt2014/files/2014/03/Day2_Panel1C_Pritchard.pdf) ]

Christopher Davis, Ph.D., at Transcript Pg. 195 (16-20) states: “In the middle of that region, part of the radiofrequency spectrum is quite often referred as microwaves, and that covers part of the radiation that's not at the low end of radiofrequencies but it's not at the very high end of radiofrequencies either.”

At (21-25) Dr. Davis is asked, “And smart meters would fit where on Exhibit CD1?” Dr. Davis answered, “Well, smart meters, for example the PECO AMI meters, they actually have two places on this chart. They emit near 900 megahertz and they also emit near 2,400 megahertz. So they're in the RF part of the

spectrum.” Dr. Davis’s remark confirms PECO’s FlexNet AMI Smart Meters are in the radiofrequency (“RF”) part of the spectrum.

At Pg. 196 (1-2) Dr. Davis is asked, “Is that in the same vicinity as cell phones?” Dr. Davis answers, “Very similar to the range used by cell phones.”

The National Toxicology Program of the U.S. Department of Health and Human Services issued a preliminary report May 27, 2016 on “some important study findings” <http://biorxiv.org/content/early/2016/06/23/055699> which, in part, stated:

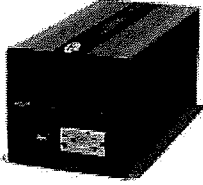
“This report presents partial findings from these studies. The occurrences of two tumor types in male Harlan Sprague Dawley rats exposed to RFR, **malignant gliomas in the brain and schwannomas of the heart, were considered of particular interest** and are the subject of this report.”

**Note both of the above findings indicate carcinomas (cancers).**

The argument Dr. Christopher Davis, Ph.D., gave that PECO’s smart meter emits less radiation than everyday life, is illogical. He is neither a physician nor a natural healing expert. Radiation is cumulative and impedes natural healing, in Frompovich’s expert opinion, based upon her research and review of the scientific literature. Therefore, smart meters add to the radiation present in everyday life and, therefore, increase the total amount of radiation to which Frompovich would be or is exposed. Arguing that radiation does not contribute to cancers of all types is sadly reminiscent of the argument that smoking does

not cause cancer either. The extra smart meter EMF radiation becomes an added burden upon already overstressed everyday life.

**Power Companies HATE This!**



Energy companies are scared that people will learn how to produce Free Electricity for their homes using this unique device.

However, another report coming out of the Ramazzini Institute of Bologna, Italy, during the Forum held in Jerusalem, Israel, in late January 2017, states the Institute's "Rethinking the classification on the

carcinogenic effects of electromagnetic fields" RFR study will be published by the end of 2017 regarding the waves emitted from the cell phone antenna and the cell phone itself using guinea pigs as the laboratory rats, with findings that parallel similar findings of the NTP's 2016 preliminary study report.

Regarding the lack of a preponderance of evidence concerning Frompovich's health status and not producing medical records, etc. as frequently stated in the PECO Brief, Frompovich did not need to produce a preponderance of evidence since such activity would conflict with the HIPPA Act's Privacy Rule in Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191. However, Frompovich provided PECO with an authentic letter from her managing physician as to the status of her condition as a breast cancer patient/survivor, which should be more than satisfactory in view of not violating HIPPA's requirements considering the Frompovich case is in the public record and published online. Frompovich further contends her right to redress is abrogated by the actions of PA House Consumer Affairs Chairman Robert Godshall's actions not calling for a vote several Opt-out bills Pennsylvania legislators introduced to fix the PA

PUC's administrative overreach mandating AMI Smart Meters, cf. *Frompovich Brief IV. Summary of the Argument With Statement of Facts Pg. 10 (22)* when the PA Legislature originally passed a non-mandatory smart meter bill, HB2200, as published of public record.

Furthermore, this Honorable Court and the PA PUC should censure Representative Robert Godshall, plus demand Godshall recuse himself from his position as Committee Chair regarding Smart Meter Opt-out bills in the House Consumer Affairs Committee since Godshall's son, Grey, is an employee of PECO/Exelon (originally reported at <http://www.linkedin.com/pub/grey-godshall/33/ba7/58> but that LinkedIn site is no longer available), as there is an apparent conflict of interest involved. Here's what was on Grey Godshall's LinkedIn site:

**LinkedIn**<sup>TM</sup>



**Grey Godshall**

Project Manager at Exelon

**Connect with Grey**

Wasn't Grey Godshall promoted to EMI installation supervisor immediately after PECO received their \$200 million in Stimulus Funds?

Frompovich introduces as **Respondent Brief Exhibit No. 2**, the March 20, 2015 letter she received from Robert W. Godshall, State Representative, stating "*I am not going to continue a dialog on the issue as you have your preconceived opinions on the issue and I have mine based on the evidence I have,*" which indicates Godshall's "preconceived opinions" and intent to deprive Frompovich of her right to redress

government officials, especially a state legislator whose son is an employee of Exelon, the parent company of PECO, and who adamantly refuses to call Opt-out bills for a vote, leaving them to become *sine die* for four years.

PECO states at 47 (Pg. 8) in its Brief, “The FlexNet communication module, which communicates from the AMI meter to the Tower Gateway Basestation [*is that part of a network*], operates at a licensed frequency of 901.1 MHz. In its service territory, PECO is the sole user of its licensed spectrum.” Shouldn’t that radio frequency license number be exhibited on PECO’s *FlexNet* AMI Smart Meter along with the Underwriters Laboratories (UL) certification PECO states it has obtained? Without such public documentation, Frompovich, all PECO customers and even this Honorable Court should be questioning whether that is fact or fiction, since there is no legitimate proof on PECO’s meters to substantiate their claims. Where is compliance with “truth in advertising”?

Frompovich invokes her Constitutional right(s) regarding PECO’s Brief statement at Pg. 16, lines 7-8: “It is axiomatic in all Commission formal complaint proceeding that the Complainant has the burden of proof” since she is being singled out specifically 1) because of her breast cancer and PECO/PA PUC wanting to make this a “seminal case” regarding cancers and EMF/RF/ELF/ Smart Meters; and 2) she has provided more than a preponderance of evidence that it is not she who is breaking the law (Act 129) but PECO and the PA PUC who are in violation of Act 129/SB2200[4] as published in the public record along with U.S. Public Law 109-58 (Aug. 8, 2005) the Energy Policy Act of 2005, specifically Sec. 1252. Smart Metering, which does not mandate smart meters. Therefore, Frompovich has no burden of proof

regarding her breast cancer patient/survivor status, medical records, etc., as she is not violating Act 129.

Furthermore, Frompovich contends she is being harassed regarding having had breast cancer to the point where PECO wants to make a public spectacle of her health issues for their gains and benefits. She alleges discrimination on the part of PECO.

Furthermore, PECO expert Dr. Mark Israel “...concluded that there is no basis to consider that radiofrequency fields could affect the immune system. Tr. 269-70.” *Cf. Brief Pg. 33.*

In **July 1991**, J. Walleczek, Research Medicine and Radiation Biophysics Division, Lawrence Berkeley Laboratory, University of California, Berkeley, California 94720, published “**Electromagnetic field effects on cells of the immune system: the role of calcium signaling**,” a 47-page paper, of which Frompovich submits the *PubMed* Abstract as *Respondent’s Exhibit No. 3*. **Contrary to Dr. Israel’s statement, there is scientific basis regarding EMF fields effects on the immune system. Immune system effects studies include** Boscolo et al. 2001; Novoselova et al. 1999.

PECO stipulates at Brief Pp. 37-39 that various states utilities commissions find “...the use of such meters is reasonable.” Note the word “**safe**” **is not used**, but the term “reasonable.” However, PECO omitted very important and most significant facts regarding each of the states mentioned, to wit:

*California* has OPT-OUT from AMI Smart Meters provisions

*Florida* has OPT-OUT from AMI Smart Meters provisions

*Maine* has OPT-OUT from AMI Smart Meters provisions

*Massachusetts* has OPT-OUT from AMI Smart Meters provisions

*Michigan* has OPT-OUT from AMI Smart Meters provisions

*Nevada* has OPT-OUT from AMI Smart Meters provisions

*New Hampshire* has **OPT-IN** required

*Texas* has OPT-OUT from AMI Smart Meters provisions

*Vermont* has OPT-OUT from AMI Smart Meters provisions

*Cf. Frompovich Brief p. 4*

However, PECO fails to provide additional incriminating information: the Port Angeles City Council Public Works and Utilities in Washington State **ended the Smart Meter program and approved a \$1.8 million settlement** so that “*All water and electric meters will be free of the controversial, electromagnetic Smart Meter components.*” *Cf. Frompovich Brief p. 4*

PECO in its “Proposed Conclusions of Law” states in No. 3, Pg. 40:

“The complainant has not met her burden of proof of establishing an offense in violation of the Public Utility Code, the Commission’s regulations or an outstanding order of the Commission. 66 Pa.C.S. § 701.”

Based upon the preponderance of evidence Frompovich has provided to this Honorable Court, she is not violating Act 129 (2008).

Based upon the preponderance of evidence presented and of public record, Act 129/SB2200 as published in the public record did not mandate AMI Smart Meters.

Based upon the preponderance of evidence that the Pennsylvania State Legislature did not vote into law a mandatory smart meter bill/act, as published in the public record, the PA PUC is guilty of administrative agency overreach in creating regulations contradictory to legislation passed by the only law-making entity in the state—the State Legislature. For several years Smart Meter Opt-out bills have been introduced by PA legislators only to be maneuvered to *sine die* by apparent conflicts of interest from Consumer Affairs Committee Robert W. Godshall, whose son Grey is a PECO/Exelon employee.

Therefore, according to the laws of the Commonwealth of Pennsylvania and the United States of America, Frompovich should not be made to accept an uncertified as ‘safe” PECO *FlexNet* AMI Smart Meter, nor have her electric service terminated because Frompovich is not in violation of Act 129/SB2200.

Furthermore, the PA PUC must correct its egregious lawmaking overreach protocol, which the PA

Legislature has tried to correct by introducing numerous Opt-out bills only to be hindered from becoming law by the actions of one specific person, House Consumer Affairs Committee Chairman Robert W. Godshall, who should be censured and mandated to recuse himself immediately, considering a conflict of interest exists within Godshall's family since his son Grey works for Exelon, parent company of PECO.

*Now, here's that part of the Respondent Brief where I have to tell the Court what I think it should do regarding my case.*

## **CONCLUSION AND PROPOSED ORDERING PARAGRAPHS**

Whereas, Frompovich comes before this Honorable Court seeking a decree of relief from legal and customer harassment tactics by PECO and the PA PUC regarding the mandated retrofitting of an AMI Smart Meter on to her property at 23 Cavendish Drive, Ambler, Pennsylvania.

That Frompovich is not in violation of Act 129 with no termination of electric power service to her home as she has provided a preponderance of evidence that Act 129/HB2200 is illegally enforced due to the administrative overreach of the PA PUC which, therefore, makes the act as implemented and administered by the PA PUC not enforceable.

Whereas, Frompovich seeks her U.S. Constitution and Pennsylvania Constitution rights to remain intact; enforced; not violated; nor impinged upon by PECO and/or the PA PUC.

Whereas the ADAAA requires, Frompovich should at minimum be reasonably accommodated, and not forced to have a smart meter, which may kill her or

adversely affect her health, as so many other cases before this Honorable Court have claimed but have been overruled.

Furthermore, Frompovich's electricity (as an older American in winter cold and summer heat and humidity) should not be disconnected. This is a threat against Frompovich's very life. PECO seems unaware of the consequences of their draconian demands. Reasonable accommodation on the part of PECO, including the PA PUC's erroneous interpretation of HB2200/Act 129 (2008), are required at minimum.

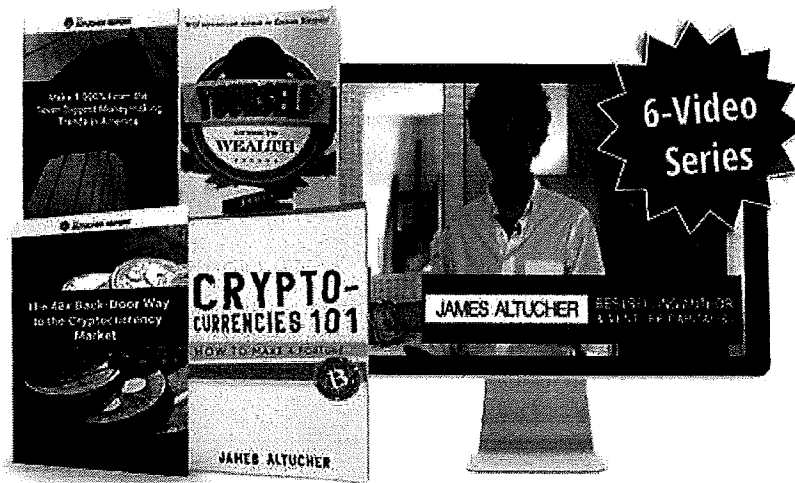
Whereas, Act 129 (2008) implementation regulations generated by the PA PUC and PECO's smart meter retrofits are at legal variance with **HB2200 §2807(f)7(2) Legislative History** as published of public record and enacted into law, and must be enforced retroactively for all utility customers in the Commonwealth:

**(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.**



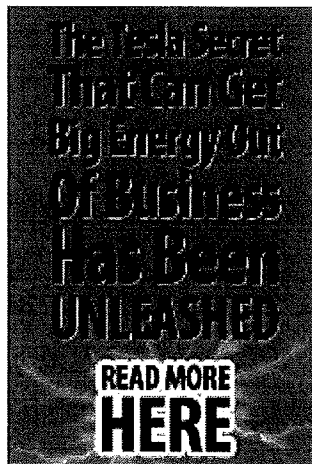
## Is Amazon About to Shock Bitcoin Investors?

Frompovich requests this Honorable Court to instruct the Pennsylvania Public Utility Commission to issue immediately revised and corrected implementation rules and regulations for AMI Smart Meters for electric, natural gas and water utilities customer services **to reflect the non-mandatory status of smart meters the Pennsylvania State Legislature intended, enacted and was published of public record** in the *Pennsylvania House and Senate Journals*, and further issue automatic opt-outs with no special service fees, as Pennsylvania consumers have suffered greatly due to misinformation and faulty implementation rules and regulations, including utility company harassment in some cases, as various Complainants had and still have pending cases before the PA PUC and this Honorable Court.

It is well established under federal and state law that administrative agencies are creatures of statute and may not establish regulations outside the boundaries established by the legislature. [5]

PA State Senator Fumo is on record in *PA Senate Journal* October 8, 2008 (pp. 2626-2631) stating, “**In addition we did not mandate smart meters, but we made them optional.**” Therefore, the PA PUC, PECO and all public utilities in Pennsylvania by law must adhere to and abide by the optional smart meter mandate enacted by the Pennsylvania State Legislature, as only the Pennsylvania State Legislature can make law, not the Pennsylvania Public Utility Commission, a state administrative agency.

Whereas, a preponderance of evidence exists that the PA PUC overreached its administrative powers when formulating implementation regulations for HB2200/Act 129 (2008) thereby causing much physical, emotional, mental and health harms to utility customers who are sensitive to EMF/RF/ELF



electronic pollution and or persons with health issues which can be impacted by EMF/RF/ELF non-thermal radiation waves.

Whereas, Frompovich believes she is denied her constitutional right to include relevant published medical-scientific studies regarding 15 human breast cancer studies (1986 to 2005) and other cancers citing EMF/RF/ELF exposures in a compendium of almost 240 studies she tried introducing as Exhibit A-3 but was overruled. That has to be corrected and those studies should be permitted into the record.

Whereas, PECO medical expert Dr. Mark Israel, MD, admitted the science is not certain, therefore, theoretical, prejudices Frompovich’s constitutional rights to a fair hearing before this Honorable Court *cf.*

*“Number two, non-thermal health effects have been widely studied but are still theoretical and have not been recognized by experts as a basis for changing regulatory exposure limits.”*

Whereas, Frompovich’s Exhibit of published cancer studies, which counter **Dr. Israel’s medical opinion**, should have been admissible evidence because they were relevant to Frompovich’s main case, however, Frompovich contends those studies now should be made a part of this record.

Whereas, PECO expert Dr. Israel’s testimony stating the science is uncertain, i.e., “theoretical,” (e.g., speculative, hypothetical, uncertain) cannot be accepted by this Honorable Court as factual, as that action prejudices Frompovich before this Honorable Court and can make Frompovich the subject of an experiment without her consent, something prohibited by the Nuremberg Code[6] and it also denies Frompovich of her U.S. Constitutional and Pennsylvania Constitutional rights as set forth in her Brief. *Cf. Pp. 4, 12, 14, 17, 19*

PECO has no right, nor authority, to make personal decisions for Frompovich, especially regarding her status as a breast cancer survivor wanting to protect her health from further onslaughts that can and will compromise her immune system and general wellbeing. PECO proffers in its Brief Pg. 36, IV. “State public utility commissions that have examined whether AMI meters cause or contribute to health effects have concluded that AMI meters are *safe and that their use is reasonable.*” *Cf. this Brief Pg. 19 (56) referring to PECO’s Brief various states utilities*

commissions find “**...the use of such meters is reasonable.**” Nothing is said about “safe.”

However, PECO’s opinionated legalese proffers ‘safe’ and inserts that word. The very fact that PECO’s *FlexNet* AMI Smart Meter does not have the Underwriters Laboratories icon prominently displayed anywhere on its display or housing indicates ‘safety’ is dubious and, therefore, not proven. Consequently, PECO cannot make nor offer spurious decisions regarding Frompovich’s mandated acceptance of an unsafe AMI Smart Meter to or by this Honorable Court and/or the PA PUC, which essentially is in violation of Act 129 as published of public record and enacted by the PA Legislature, the only law-making entity in the Commonwealth.

There is the UN’s **Universal Declaration of Human Rights**[7], which in **Article 3** states: “*Everyone has the right to life, liberty and security of person.*”

**Article 8:** “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.”

**Article 19:** “*Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.*” That right, Frompovich contends, was denied her in presenting published peer review studies regarding EMF/RF/ELF and breast and other cancer(s) by PECO’s incessant objections to her Exhibits.

**Article 30** “Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.”

Respectfully submitted,

Catherine J Frompovich, *Pro Se*

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*Pro Se* means I did not have a lawyer representing me; I represented myself before the Court.

As you can see from my Argument, Conclusion and Ordering Paragraphs there’s a lot that’s not legally correct regarding AMI Smart Meters in Pennsylvania and utility customers have had the “wool pulled over our eyes” by utility companies harassment techniques, which has to stop, as many people are suffering from and with electromagnetic

hypersensitivity and other health issues since AMI Smart Meters were retrofitted on to their utility meters. Some customers have three: electric, natural gas and water!

### **RFID Scan Blockers – Available for Free (Ad)**

Shortly after PECO started retrofitting AMI SMs, numerous meters exploded and/or caught fire damaging homes, *which homeowners' insurance policies did not and don't cover!* Did you know that? However, to PECO's credit, they suspended the retrofit program while they sought different supposedly 'safe' replacement meters. PECO replaced between 180,000 and 200,000 AMI SMs.

Pennsylvania is rather unique insofar as utility customers are not permitted to have an Opt-out from AMI SMs, *which is not necessary, since the original HB2200 bill was signed into law as Act 129 (2008) as "NOT mandatory,"* and basically it is an "Opt-IN" law; see **HB2200 §2807(f)7(2)(i)**.

However, since the PA PUC changed HB2200/Act 129 law during their implementation writing process, **that administrative agency overreach, which is a legal No-No!, has to be corrected.** PA legislators have tried to do that by introducing Opt-out bills over four years, only to have them scuttled by the deliberate maneuverings of PA House Consumer Affairs Committee Chairman Robert Godshall, whose son Grey works for Exelon, PECO's parent company. Are there any conflicts of interest there?

Pennsylvanians ought to march on Harrisburg to demand what the PA legislature passed into law regarding AMI Smart Meters—not mandatory, and not be forced to accept what the PA PUC thought, "believed" or rewrote as implementation regulations.

The PUC's implementation regulations have caused health harms to numerous utility customers and family members, so the Commonwealth must be made accountable for the untenable wrong committed by one of its administrative agencies.

**Notes:**

[1] <https://youtu.be/0hJqs1jwAPc?t=22>

[2] <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3917235/>

[3] [http://sites.ieee.org/isgt2014/files/2014/03/Day2\\_Panel1C\\_Pritchard.pdf](http://sites.ieee.org/isgt2014/files/2014/03/Day2_Panel1C_Pritchard.pdf)

[4] HB2200 §2807(f)7(2)(i)

[5] The Legal Intelligencer

[http://www.cohenseglias.com/library/files/the\\_legal\\_intel\\_-\\_evaluating\\_challenging\\_regulatory\\_overreach\\_-\\_c\\_caurson\\_4.20.2016.pdf](http://www.cohenseglias.com/library/files/the_legal_intel_-_evaluating_challenging_regulatory_overreach_-_c_caurson_4.20.2016.pdf)

[6] <https://history.nih.gov/research/downloads/nuremberg.pdf>

[7] <http://www.un.org/en/universal-declaration-human-rights/>

*Catherine J Frompovich (website) is a retired natural nutritionist who earned advanced degrees in Nutrition and Holistic Health Sciences, Certification in Orthomolecular Theory and Practice plus Paralegal Studies. Her work has been published in national and airline magazines since the early 1980s. Catherine authored numerous books on health issues along with co-authoring papers and monographs with physicians, nurses, and holistic healthcare professionals. She has been a consumer healthcare researcher 35 years and counting.*

*Catherine's latest book, published October 4, 2013, is Vaccination Voodoo, What YOU Don't Know About Vaccines, available on Amazon.com.*

*Her 2012 book **A Cancer Answer, Holistic BREAST Cancer Management, A Guide to Effective & Non-Toxic Treatments**, is available on Amazon.com and as a Kindle eBook.*

*Two of Catherine's more recent books on Amazon.com are **Our Chemical Lives And The Hijacking Of Our DNA, A Probe Into What's Probably Making Us Sick** (2009) and **Lord, How Can I Make It Through Grieving My Loss, An Inspirational Guide Through the Grieving Process** (2008)*

*Catherine's NEW book: **Eat To Beat Disease, Foods Medicinal Qualities** ©2016 Catherine J Frompovich is now available*



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## Complainant to PPL I-3

Please state whether you or any member of your household uses a cell phone. If so, please provide the make and model of each cell phone and for each phone identified, provide 12 months of phone bills or other records of actual cell phone useage.

My home is set up for a landline, however, I do currently & temporarily have use of an iPhone 7pl (by Apple) which I never carry with me unless of special circumstances, it is usually stored in a metal box & when I do use it I sit or stand away from it & use speakerphone. I have a frequency detection meter which helps me to determine the safest close distance I can be to the phone to avoid radiation damage.

My cell phone plan won't show anything but the fact that I pay for 3 gigabytes of data & unlimited text & calls each month, but I avoid using the phone whenever possible. Holding the phone will hurt my hand after a few seconds so I never hold it in my hand when I use it.

## Complainant to PPL I-4

(a) Please state every health condition you claim was caused by a smart meter or will be caused or worsened by the installation

-of PPL Electric's new smart meter.

I'm not sure I can claim damages (yet) that I would like to avoid, like constant ringing in ears, constant headaches, cancer tissue deterioration, exhaustion, etc.

(b) Please provide the date that every health condition identified in sub part (a) began.

Well, when I moved here in 2009, I never had the persistent ringing in my ears with an occasional day or so of relief from several days at a time of ringing, and the persistent exhaustion & lack of energy & general feeling of compromised health that I noticed so obviously began sometime in 2010 (maybe mid to late 2010) and since nobody told me anything about my supposedly analog electric meter getting "upgraded", I'm guessing it was done without my knowledge (or consent) but if THIS is what an "UPGRADE" meter is putting me through, I doubt very much that I will like or even survive an "upgrade" to a RF SM on my house or property.

(c) Please provide Copies of all your medical records of every health condition identified in subpart (a)

- There arent any YET -

(d) For each alleged health condition that you do not have medical records for in response to subpart (c) please state whether such condition was diagnosed by a medical professional. If so, please provide the name, address, or telephone number of the medical professional and the date of the diagnosis.

- Does not currently apply -

(e) For each of the alleged health conditions identified in subpart (a), please state whether you have been prescribed any therapy or treatment for the condition by a medical professional. If so, please identify the therapy or treatment, provide the name, address, phone number of the prescribing medical professional, and provide the date the therapy or treatment was prescribed.

- Does not currently apply -

## Complainant to PPL I-5

Please identify each person you plan to call as a fact witness in this proceeding. For each person, please:

- (a) Provide the person's name, home and business, background, and qualifications;

- Does not currently apply -

- (b) Explain in detail the subject matter(s) on which the witness is expected to testify; and

- Does not currently apply -

- (c) Provide source(s) of information relied upon or referenced by the witness.

- Does not currently apply -

## Complainant to PPL I-6

Please identify each person you plan to call as an expert witness in this proceeding. For each person, please:

- (a) Provide the person's name, home and business address, background, and qualifications;

- Does not currently apply -

- (b) Explain in detail the subject matter(s) on which

The witness is expected to testify:

- Does not currently apply -

(c) Provide the source(s) of information relied upon or referenced by the witness; and

- Does not currently apply -

(d) Provide a copy of the expert witness's current curriculum vitae.

- Does not currently apply -

Complainant to PPL I-7

Please provide copies of all exhibits you intend to present or utilize at the evidentiary hearing in this proceeding. For each exhibit to be used as part of your case, please identify the witness who will be sponsoring the exhibit.

I have attached several sources of information to my answers of previous interrogatory question number but I'm not sure they qualify as exhibits... so...

- I don't think this currently applies -

Note: I understand the PUC is forcing PPL to install RFS on homes, I told the PUC I did not want an RFS and they told I needed to start their "formal complaint" process... Then the PUC put me in a quasi-legal fight with PPL... How does this make sense

I Can not understand how something  
as health destroying & dangerous  
as being exposed to constant radiation  
is even offered to people as a form  
of electrical usage metering, let  
alone MANDATED for use & forced  
upon electrical consumers & anyone  
unfortunate enough to be effected  
by their close location & dirty electricity  
these RF SMARTMETERS produce & send  
into the living space of people that don't  
even want or have these devices yet.

What would be the point of attempting to  
stay in good health, watching one's diet  
or seeking the advice of a doctor,  
when nothing you do will make any  
difference in terms of avoiding  
disease, cancer, dementia & rapid  
decrepitude from constant exposure  
to radiation poisoning as a result  
of this poorly & unconstitutionally  
made plan being forced on an  
unsuspecting & uninformed public  
in our supposed democracy?

Look at how state legislature actually "passed" HB 2200 &  
~~and~~ changed rules from original Act 129 "OPT IN" SMARTMETERING  
to an enforced MANDATE with no "OPT OUT" provision in Pennsylvania.