

March 10, 2019

VIA E-FILING

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

In Re: V. Wes Zimmerman v. Metropolitan Edison Company  
Docket No. C-2019-3007568

Dear Secretary Chiavetta:

Attached is our timely filed Reply to Answer and New Matter in the above-referenced matter. This document has been served on the Respondent as shown in the Certificate of Service.

Please feel free to contact us with any questions.

Sincerely,

V. Wes Zimmerman

cc Reply to Answer and New Matter  
Certificate of Service

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

V. Wes Zimmerman  
(Complainant)

v.

:  
:  
:

DOCKET No. C-2019-3007568

METROPOLITAN EDISON COMPANY  
(Respondent or the Company)

Reply to Answer and New Matter of  
Metropolitan Edison Company

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

I respond as follows to the Company's New Matter, which begins with the Company's paragraph 11:

11. No answer required.

12. Admitted in part and denied in part. The Company did not attempt to address my concerns. In email communication, I was told that the meter box blocks most of the RF radiation from entering the home. This is false and is a lie. There are (recent) documented instances showing that the meter boxes do not block the radiation from Met-Ed's smart meter. The Company offered no solution to mitigate this problem.

Also, the Company never sent a letter on December 28 (or ever) stating I should contact them to facilitate the installation of a smart meter. This is complete lie. After speaking with the company on 12/27/18, I received a letter shortly thereafter saying the Company made several attempts to contact me to set up an appointment. This is untrue, as I had spoken with the Company only a couple days prior to receiving this letter. Prior to that conversation, I received no email, voicemail/phone call, or US mail asking me to set up an appointment to facilitate installation of a smart meter. The letter I received stating that this occurred is a lie, and appears to be an misplaced form letter sent in response to the 12/27/18 phone call.

13. Denied. The Company is not deploying smart meters in accordance with Act 129 because Act 129 does not require such deployment for all Pennsylvanians. In fact, both the plain language of the Act and its legislative history show that Act 129 is an "opt in" bill, and does not mandate smart meters for everyone. Because it does not mandate smart meters, the fee that has been being charged to me and all other Pennsylvanians for implementation of smart meters is in direct opposition to the enacted legislation – creating a financially harmed class of people.

Paragraph 2 of sub-section f of Act 129 of 2008 states that smart meters shall be furnished 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.

Analysis: The above language of the law does not mandate smart meters unless a customer requests it and agrees to pay for it at the time of that request and in new building construction (after implementation of the Act). Subparagraph iii mandates that the useful life (aka depreciation) of the smart meters not exceed 15 years. Subparagraph iii does not mean, in any way, that smart meters are required. It defines their useful life.

Paragraph 6 states that sub-section (f) does not apply to electric distribution companies with 100,000 or fewer customers.

Analysis: This does not mean that customers of all electric distribution companies with 100,001 or more customers must accept a smart meter; rather it means that subparagraphs i, ii, and iii above do not apply to electric distribution companies with 100,000 or fewer customers. All this means is that an electric distribution company with 100,000 or fewer customers does not have to furnish a smart meter upon request from a customer and that a smart meter does not need to be installed in new construction. It does not somehow mandate smart meters for customers of an electric distribution company with 100,001 or more customers.

Paragraph 7 of subsection (f) states that an electric distribution company may recover reasonable and prudent costs of providing smart meter technology under paragraph (2)(ii) and (iii), as determined by the commission.

Analysis: As noted above, paragraph (2)(ii) and (iii) do not mandate smart meters in all homes. The combination of those paragraphs only mandate smart meters in homes built after implementation of the act. This being the case, everyone that has a home built prior to implementation of the Act that has been paying a monthly "customer charge" has been forced to pay monthly for years now, which is against the plain language of the Act.

The big question here is, who mandated that smart meters were mandatory for all based on the plain language of the Act? It is clear from the legislative history of Act 129 that the General Assembly intended for smart meters to be mandatory, but the Senate did not. The Senate changed the original language of the bill to its current/enacted wording, which clearly and plainly does not mandate smart meters for all Pennsylvanians. The General Assembly passed the Senate's version/terminology, not its own.

14. Admitted in part and denied in part. It should be noted that the Company's SMP, despite being approved by the Commission, is not in accordance with ACT 129 based on the analysis in paragraph 13 above.

15. Admit.

16. Denied. Technically, relief is not necessary based on paragraph 13 above. However, because Act 129 clearly does not mandate smart meters for everyone, and both the PUC and utility companies are enforcing the Act opposite its clear written language and the intent of the State Senate, the Commission could grant relief – however, this would involve admitting to its interpretative mistake or potentially admitting to following the direction of special interests.

17. Denied. See paragraph 13.

18. Denied. See paragraph 13, 14, and 16.

19. Denied. Via phone the Commission stated that a formal complaint would result in a hearing, not a dismissal, especially when there are health related concerns.

### **Conclusion**

Wherefore, for the foregoing reasons, I respectfully request the Commission: (1) uphold my formal complaint and my answer to the Company's New Matter in their entirety, and (2) grant me such other relief as may be just and reasonable under the circumstances, such as illegally charged customer fees.

Respectfully submitted,

Dated: March 10, 2019

V. Wes Zimmerman  
[weszimm@aol.com](mailto:weszimm@aol.com)

