

John M. Chenosky, PE
P.O. Box 423, Alburtis, PA 18011-0423
P: 610-845-0279; E-mail: johnsuzy@dejazzd.com

March 29, 2019

First Class Mail

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

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MAR 29 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RE: John M. Chenosky v. Metropolitan Edison Company
Docket No. C-2019-3007622

Dear Secretary Chiavetta:

Attached please find the response to the Defendant, Metropolitan Edison, with respect to the Answer, New Matter and Preliminary Objections in the subject matter, filed with your office on February 25, 2019 and received by the Complainant on March 1, 2019. This document has been served on the Defendant as shown in the Certificate of Service by First Class Mail.

Please contact me if you have any questions regarding this matter.

Very truly yours,



John M. Chenosky, PE

Enclosure

c: Certificate of Service

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MAR 29 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOHN M. CHENOSKY

:

:

v.

:

Docket No. C-2019-3007622

:

METROPOLITAN EDISON COMPANY

:

**ANSWER AND OBJECTION TO NEW MATTER & PRELIMINARY OBJECTION
OF METROPOLITAN EDISON TO THE COMPLAINT OF JOHN M. CHENOSKY
TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:**

**AND NOW, John M, Chenosky provide response to Answer, New Matter & Preliminary
Objections in the above mentioned Complaint as follows:**

1. No response required.
2. No response required.
3. Any intelligent person would have to include that "other" was consolidated under the exhibits A-1 & A-2. If the PAPUC wanted an appropriate explanation under this "other", they should have provided sufficient space, or a statement as stipulated under Item 5.... "use additional paper if you need more space."
4. Defendant restated an error. Should have read EXHIBIT A-1 & 2. Defendant avers that Complainant's Exhibit's speak for themselves, ergo they are indefensible as confirmed by the Defendant. Defendant suggests they are without information or knowledge to form a belief of the Exhibits which suggests they never read any of the evidence submitted. In Science & Engineering we work in facts and money, not beliefs.
5. Defendant has shielded themselves behind legal diatribe, and any reference to an illegal bastardization of HB 2020 in referencing Act 129 and its provisions as justification for its actions, is thoroughly denied by the Complainant. Defendant has never provided specifications of the "Smart" Meters it is providing, nor it's UL Stamp of Electrical Approval. Defendant has never provided a Licensed Pennsylvania

Electrical Engineer's Sealed Report and Engineering Studies. Defendant does not employ a Licensed Professional Engineer in its Pennsylvania Met-Ed, Reading PA Engineering Department.

Any law that allows a Pennsylvania Utility to terminate electrical service to a customer who has no alternative but to go off-grid is egregious, immoral and despicable, when a perfectly sound, existing analogue meter has been working perfectly for years, and that customer has paid Thousands of Dollars in a timely manner over 20 years to the Defendant Utility, including the taxes and fees that pays the salaries and expenses of the PAPUC. Especially since the Complainant and his spouse suffer from chronic health issues (which will be adversely effected by EMF Radiation) that termination of service will accelerate their death. Are you people so insensitive and lack human compassion?

By way of background the incantation of events on 26DEC18 by Defendant is replete with errors and Complainant demands the Defendant provide a recorded copy of the telephone conversation, or transcript for verification. For example, initial conversation with Defendant's Agent who indicated that an Informal Complaint needed to be filed with the PAPUC, otherwise my service could be terminated, infuriated the Complainant. It also prompted pejorative reaction. As previously stated in the Complaint the Complainant suffers from Expressive & Anomic Aphasia.

That Informal Complaint turned out to be a worthless exercise, as the issues were never addressed by the PAPUC. Instead a condescending inaccurate brochure was the anemic response with the Xerox copy of a propaganda brochure which suggests a "Smart Meter" only radiates RF at 0.00037 mw/sq.cm. It is actually 1000 times greater and in many instances the pulse rate is many times the advertised rate as the meter attempts to connect to the LAN.

Since Complainant's Meter Pan is installed in a semi-buried alcove its communication capabilities are questionable at best. The alcove houses a 5 ton air conditioning

compressor-condensing unit, generating excess heat in the cooling season April to October and will be a threat to the plastic inter-workings of the "Smart Meter". Historical fires and explosions world-wide are prevalent in this type of an environment and not covered by Home Owner's Insurance.

Numerous instances the Defendant has alleged that Complainant refused the installation of a "Smart Meter", when in fact it was an OP-OUT decision available to any Customer under the LEGAL HB 2020, 2807(f)7(2) Legislative History.

Furthermore the PAPUC must correct its egregious lawmaking overreach protocol not the legal variance generated by the PAPUC identified as Act 129. The provisions of HB2020 must be retroactively enforced to all utility customers in the Commonwealth, which the PA Legislature has tried to correct by introducing numerous Opt-out bills, only to be stonewalled by Ex-Chairman Robert W. Godshall, whose exposed conflict of interest with the PECO Quid-pro-Quo forced his hasty exodus from the Pennsylvania House of Representatives. Complainant denies all references on the bottom of page 5 of the Defendant's response, as any and all of those Opinions and Orders were based on an unlawful construct, i.e., Act 129 and not relevant to Complainant's Specific Complaint.

6. Since the Defendant has made repeated threats to disconnect my service including within the body of this Answer, and seems to be supported by the PAPUC the Complainant reinforces his request to have a Protection From Abuse Order granted until this matter is adjudicated.

7. (a) Allegation denied. Since the Defendant's Customer Service Agent directed Complainant on 26DEC18 to file an Informal Complaint in order to Opt-Out of the installation of a "Smart Meter", they should have instructed Complainant to furnish

them a copy. It is apparent that the PAPUC treated Defendant with the same condescension that they treated the Complainant.

(b) Denied. The characterization of refusal is a lie. The Complainant was requesting his Op-Out right under HB 2020.

(c) Not applicable.

8. This process is not consumer friendly and favors the Utilities with the legal resources both in-house and externally. Notwithstanding the PULP project most of us, including retirees, have minimal resources for this exercise in futility. The PAPUC is negligent in its understanding of the Fair Housing Amendments Act of 1988, Section 504, Title 10, and its reasonable accommodation provisions, recently interpreted.

9. Not applicable.

10. Not applicable.

MAR 29 2019

ANSWER TO NEW MATTER –LEGAL INSUFFICIENCYPA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

11. If Paragraphs 1-11 are incorporated by reference as fully set forth herein than Item 12 below is nothing more than legal regurgitation.

12. As stated above this is a repetition of inappropriate conclusions of law by the Defendant. Complainant reiterates he exercised his right under HB2002 the only legal sufficiency he needed to OP-OUT as previously explained in Answer 7(b) and continued objection to Defendant's characterization of a refusal and legal justification as follows:

Whereas Act 129 (2008) implementation regulations generated by the PAPUC and Met-Ed "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 distributions 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.

However, since the PAPUC changed HR 2200/Act 129 law during their implementation writing process , that administrative overreach, which is a legal faux pas HAS TO BE CORRECTED.

It is well established under Federal and State Law that administrative agencies are creatures of statute and may not establish regulations outside the boundaries establish by the legislature.

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"*.

Complainant contends his right to redress is abrogated by the actions of Consumer Affairs Chairman Robert Godshall's actions by not calling for a vote on several OP-OUT bills PA Legislators introduced to fix the PAPUC administrative overreach mandating AMI "Smart Meters". In essence, Chairman Godshall adamantly refused to call out the bills for a vote becoming sine die for four years.

Robert Godshall has since retired in an apparent conflict of interest when his son Grey Godshall was promoted to EMI "Smart Meters" installation supervisor immediately after PECO received their \$200 Million in Stimulus Funds? How much did Met-Ed receive in stimulus funds? Defendant needs to provide the information.

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

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

13. Denied. That the Complainant has any knowledge of deployment of "Smart Meters", as the Defendant and the PAPUC is guilty of the sin of omission, or never communicating SPECIFICS OF ILLEGALLY ALTERED ACT 129 AND ITS IMPLICATION ON PA CONSUMERS, presumably delaying this illegal alteration with the assistance of Robert Godshall's collusion until the implementation would be difficult to reverse.

Additionally the Defendant bombarded the Complainant with useless information about products to purchase, making the Complainant question what business this Utility is in.

Further, in PAPUC Docket No. C-2017-2638380, John Chenosky v. Met-Ed/First Energy Complaint contained the barrage of harassing letters implying Complainant needed to purchase insurance for an external connection that does not apply to Complainant's underground service connection. Defendant employs a non-technical subcontract agent to solicit this service--meaning they are ignorant of electric service. Now we are being solicited to buy Surge Protectors because of "Smart" Meters.

As a consequence, Defendant cannot claim they cannot afford the communication costs and any sane, intelligent individual can conclude the Utility Industry conspired with the PAPUC with the collusion of Representative Godshall, to mask their overreach and keep it from the public and the media.

14- Denied. Complainant is not on Defendant's, or the PAPUC's need to know list.

15. Admitted in part. Complainant was not notified that he was being violated by the PAPUC, Robert Godshall and his conflict of interest. Complainant's Utility, Met-Ed or the parent organization First Energy, never communicating their intent in a timely manner. Had effective communication been utilized, the appropriate Complaint would have been filed in a timely manner. Additionally, if Complainant had not been preoccupied with EF/EMF/RF health effects of Met-Ed Utility infrastructure being installed adjacent to his principal residence,(objected to in John Chenosky v. Metropolitan Edison Company Docket No. C-2017-2638380), he may have had the opportunity to confront Robert Godshall and his Committee and the PAPUC.

16. Denied. A stay must be granted to allow the Pennsylvania Legislature to pass qualifying legislation and add appropriate provisions to comply with the Americans with Disabilities Act, Section 504, Title 10 and other state & federal laws REQUIRING A REASONABLE ACCOMODATION.

The U.S. Access Board in 2002 recognized electromagnetic sensitivity as a disability. In 2010 scientists stated that as many as 1/3 of the population is sensitive to sources of "Electrosmog", including "Dirty Electricity", that includes cell phone and wireless WiFi

radiation. Exposure is cumulative, eventually become symptomatic. The studies are overwhelming.

16. The statement that the Company's SMP. nor, Act 129 enable the Commission to grant relief requested by the Complainant. They certainly can by correcting the illegally drafted Act 129 in conjunction with newly convened PA House Legislative Consumer Affairs Committee.

17. Denied. Based upon the preponderance of the evidence, the PAPUC in collusion with Former Consumer Affairs Chairman, Robert Godshall, in this instance, conspired to alter the intent of the Pennsylvania Legislature by substituting Op-in installation, as opposed to the Op-out Legislation stipulated in HB2020, in an effort to ingratiate named parties previously mentioned.

With all due respect, the Defendant either contributed to the scam, or got caught up in it. Considering the Millions of Dollars involved the actions of all parties appear to be in legal jeopardy. Legality of Section 701 of the Code in this instance is null and void.

18. Admitted in part with granting a stay in the installation of the "Smart Meters" at the Complainant's Service Location, apparently acknowledging the potential serious health effects the installation presents to Complainant and his Spouse who suffers from A-fib which is also impacted by the Electrosmog of EMF/RF/ELF electronic pollution.

The 1971 Naval Medical Research Institute released—"Bibliography of Reported Biological Phenomena (Effects) and Clinical Manifestation Attributed to Microwave & Radio Frequency Radiation". More than 2300 references to radio frequency and microwave radiation suggested that the technology be limited to MILITARY APPLICATIONS.

In the 1980's Verizon initiated a cell phone network ignoring these studies with the blessing of Regulators and conducted a major experiment on the citizens of this country. This business and others have now extended this to a 5G network. Dr. Martin Pall Professor Emeritus of Biochemistry & Basic Medical Sciences at Washington State University penned an article in Principia Scientific website titled "Criminally Insane & Will Fry Things" states the risk of fires and organ damage is a serious risk. <https://principia-scientific.org/top-scientist-5g-is-criminally-insane-will-fry-living-things/>. This "Smart Meter" technology will be supported by this network.

19. Denied in its entirety. The Preliminary Objections are repetitive and reminds the Complainant of a Second Year Law Exercise in Ignorance. The counselors for the Defendant are trying to adjudicate this matter, when in fact they are abusing the process.

This accentuates the fact that this process is skewed in favor of the Utilities and needs modification in light of the PAPUC's drift from approved Legislation and their apparent disregard of accommodation for disabilities under Federal Statutes and State Law.

CONCLUSIONS:

Based upon the preponderance of the evidence, Complainant is not in violation of Act 129, with no reason to be treated as a second-class citizen including threats by Defendant and implications of same due to the overreach by the PAPUC, mandating the unnecessary retrofit of an AMI "Smart" Meter at Complainant's property at 1000 Huffs Church Rd. Berks County, District Township Pennsylvania.

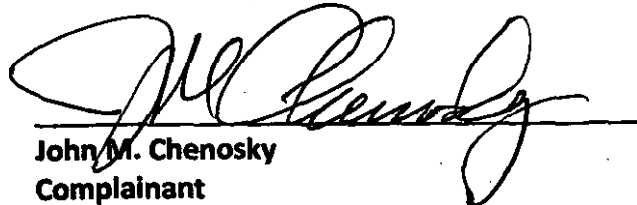
Whereas, Complainant seeks his U.S. Constitution rights to remain intact; enforced; not violated; nor impinged upon by Defendant and/or the PAPUC.

Whereas the ADAAA requires Complainant should at minimum be reasonably accommodated and not forced to have a "Smart" Meter, which may accelerate his/spouse's demise, or adversely impact their health as so many scientific studies, including US Government Agencies' studies have demonstrated—and ignored by the Defendant and the PAPUC.

Reasonable accommodation on the part of Defendant and the PAPUC's erroneous interpretation of HB2020/Act 129 (2008), are required at a minimum.

Respectfully submitted,

Dated: March 29, 2019



**John M. Chenosky
Complainant
POB 423
Alburtis, PA 18011-0423
610-845-0279
johnsuzy@dejazzd.com**

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

John M. Chenosky

v.

Metropolitan Edison Company

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Docket No. C-2019-3007622

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of a written response to the Defendant Metropolitan Edison's Answer, New Matter and Preliminary Objections to subject Complaint. Document received from Defendant was dated February 25, 2019 and received by Complainant on March 1, 2019.

Service by First Class Mail, postage prepaid, as follows:

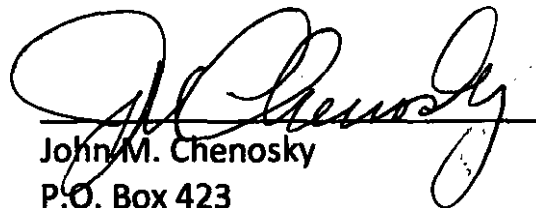
Lauren M. Lepkoski
Tori L. Giesler
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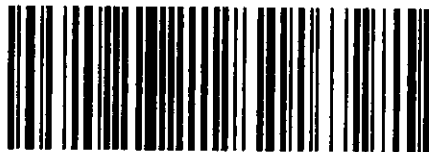
Dated: March 29, 2019



John M. Chenosky
P.O. Box 423
Alburtis, PA 18011
(610) 845-0279
Johnsuzy@dejazzd.com

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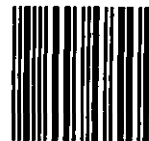
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Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

