

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Thomas Maslar	:	
	:	
v.	:	C-2018-3003075
	:	
PPL Electric Utilities Corporation	:	

**INITIAL DECISION**

Before  
Elizabeth H. Barnes  
Administrative Law Judge

**INTRODUCTION**

A residential customer filed a complaint seeking to prevent an electric distribution company (EDC) from installing a smart meter a/k/a “Advanced Metering Infrastructure (AMI) meter” or “Radio Frequency (RF) meter” on his service address. The complaint will be dismissed for failure to prove by a preponderance of evidence that the installation of the smart meter constitutes unsafe or unreasonable service under 66 Pa. C.S. § 1501 or otherwise violates the Public Utility Code, a Commission order, regulation, or a Commission-approved tariff of the company.

**HISTORY OF THE PROCEEDING**

On June 18, 2018, Thomas Maslar (Complainant) filed the instant Complaint requesting that PPL Electric Utilities Corporation (PPL or Respondent) be precluded from installing a radio frequency (RF) meter on his residence at 3556 Apollo Court, Orefield, Pennsylvania, 18060. Complaint at 3.

The Complaint was served upon PPL on June 28, 2018.<sup>1</sup> On July 18, 2018, Respondent filed an Answer. The Answer admits that the Respondent provided electric service to the Complainant at the service address and notified Complainant that it would be installing a new AMI meter. Respondent contends that it is required to install AMI, or smart meters, for all automatic meter reading (AMR) customers.

On July 25, 2018, a Notice was issued scheduling a telephonic call-in prehearing conference for August 29, 2018 and assigning the case to me. A Prehearing Conference Order was issued on August 9, 2018. A prehearing conference was held as scheduled on August 29, 2018.

On November 10, 2018, Complainant filed an Amended Complaint, alleging AMI meters cause harm including physical ailments as headaches, heart palpitations, ringing in the ears, difficulty concentrating and inability to sleep at night. Complainant averred he has medical conditions that may worsen with the installation of an AMI smart meter. Complainant also is concerned with hackers and data privacy. Complainant avers the AMI meters are not UL approved and have been known to cause fires. He requests a delay in deployment of smart meters until Pennsylvania law is changed to allow an opt-out option at no charge to the customer. The Amended Complaint was served upon Respondent on November 21, 2018. Respondent filed an Answer to Amended Complaint on December 3, 2018.

On December 18, 2018, Complainant requested a continuance of his hearing scheduled for February 8, 2019 and an extension of time to submit copies of statements, reports, rebuttal testimony and exhibits. This request for continuance was granted and on February 1, 2019, a Cancellation Notice was issued cancelling the February 8, 2019 hearing. On February 7, 2019, a Hearing Notice was issued scheduling an in-person hearing on May 28, 2019, and a Second Prehearing Order was issued directing Complainant to serve copies of statements, reports, rebuttal

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<sup>1</sup> PPL signed a waiver of the Section 702 requirement for registered or certified mail service of formal complaints, 66 Pa. C.S. § 702, and agreed to electronic service under the Commission's waiver of 702 program. *See In Re: Electronic Service of Formal Complaints*, Secretarial Letter Dated December 22, 2014, at Docket Nos. M-2013-2398153 *et al.* Service is listed in the electronic Audit History of the case as entered by the Secretary's Bureau as having been effective on June 28, 2018. Thus, PPL's Answer filed on July 18, 2018 is deemed timely filed.

testimony and exhibits by March 15, 2019, and allowing witnesses to appear at the in-person hearing by telephone.

On February 11, 2019, Complainant requested a second continuance until PPL's witnesses could appear in person at a hearing. Complainant objected to witnesses appearing by telephone at the hearing. On February 21, 2019, Respondent filed a responsive letter objecting to a second continuance as its expert witnesses are located out of state and it is reasonable they should be allowed to appear by telephone. On February 28, 2019, an Order Denying Request for Continuance was issued. On April 23, 2019, PPL filed a Motion to Compel Responses to Discovery Propounded on Thomas Maslar – Set I. On April 29, 2019, Complainant's certificate of service providing his answers to interrogatory questions was filed. On May 23, 2019, Complainant filed a third request for continuation of his hearing, arguing that instead of receiving answers to his interrogatory questions, he received objections. PPL objected to a third continuance. The third motion for continuance was denied for lack of good cause and the hearing was held on May 28, 2019 as scheduled.

Complainant appeared *pro se* in person with three exhibits (articles pertaining to smart meters), but upon objection of Respondent, the exhibits were not admitted into the record because the articles had not been provided to Respondent prior to the hearing by the ordered deadline and constituted hearsay evidence. The authors of the articles were not made available to be cross-examined by PPL to test the veracity of the statements. Respondent appeared represented by Devin Ryan, Esquire and Curtis Renner, Esquire with four written statements, 15 exhibits and four witnesses: Kevin Durkin, Donald Vinciguerra, Christopher Davis, Ph.D., and Mark Israel, M.D. Respondent's Statements 1-4 and Exhibits CD-1 – CD-5; MI-1-MI-3; KD-1-KD-6 and DV-1 were admitted into the record. Tr. 3.<sup>2</sup> A transcript consisting of 87 pages was filed and the record closed on June 20, 2019. This case is ripe for a decision.

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<sup>2</sup> All transcript citations reference the hearing transcript dated May 28, 2019.

## FINDINGS OF FACT

1. The Complainant in this proceeding is Thomas Maslar, who has resided for 35 years at 3556 Apollo Court, Orefield, Pennsylvania 18069 (service address). Tr. 9.
2. The Respondent in this proceeding is PPL Electric Utilities Corporation, an electric distribution company (EDC). Tr. 9.
3. Complainant only turns on his Wi-Fi when he uses it and his internet connections are hard-wired through an Ethernet network. Tr. 13.
4. Complainant has a cell phone, which he keeps in airplane mode unless it is in use. Tr. 13-14.
5. Complainant has a degree in electronics and holds a Federal Communications Commission (FCC) first class and second class radio telephone license that qualifies him to work with radio transmitters, receivers and radiofrequency equipment. Tr. 15.
6. Complainant has 30 years' experience as an electronic technician and is familiar with radiofrequency equipment maintenance and repairs. Tr. 16, 27.
7. Complainant claims that he measured radio frequency peaks at his neighbor's Landis + Gyr E 350 meter from one meter's distance to be in the range from 24 to 31 milliwatts per centimeter squared ( $\text{mW}/\text{cm}^2$ ) in pulsing intervals of 900 megahertz emissions using a Cornet EDT 88 Field Strength Meter. Tr. 20-21, 28.
8. The Cornet EDT88 meter can be purchased for approximately \$200 and is not a professional-grade meter. Tr. 30, 58.

9. The Cornet EDT88 meter cannot measure above .58 watts per meter squared, which is .058 mW/cm<sup>2</sup>, so it is unlikely Complainant actually recorded the power levels to which he testified. Tr. 59, 61-66.

10. During Complainant's test, the Cornet meter could have been measuring spurious signals coming in through Complainant's neighbor's powerline and from local television broadcast towers. Tr. 65.

11. Powerline carrier (PLC) meters do not emit radio frequency (RF) fields and are often referred to by customers as analog meters. PPL Electric Statement No. 4 at 5.

12. A PLC meter uses the power lines as a means of communication with pulses encoded on the 60 Hertz line frequency so that PPL can record the data to the proper account. PPL Electric Statement No. 4 at 5.

13. Complainant has a PLC meter on his service property. PPL Electric Statement No. 3 at 4, Tr. 11-12.

14. On June 30, 2014, PPL filed its new Smart Meter Plan intended to comply with all the requirements of Act 129 of 2008 and the Commission's Smart Meter Implementation Order. PPL Electric Exhibit No. DV-1, *PPL Smart Meter Technology Procurement and Installation Plan*, June 30, 2014.

15. PPL selected Radio Frequency ("RF") Mesh meters and metering system because the Company determined that the RF Mesh system would support the 15 capabilities required by Act 129 and the Smart Meter Implementation Order. PPL Electric Exhibit No. DV-1.

16. The RF Mesh system allows the Company to receive data from the customer's meter wirelessly, unlike PPL's previous PLC system that used the customer's actual wires. PPL Statement No. 3 at 6-7.

17. Under the Smart Meter Plan, the RF Mesh meters are to be deployed by the end of 2019. PPL Electric Statement No. 4 at 6.

18. PPL intends to install a Landis + Gyr E350 FOCUS AXR-SD meter at Complainant's service property. PPL Electric Statement No. 4 at 6, PPL Exhibit No. DV-1.

19. The FCC identification number for the new AMI meter is R7PEG1R1S2. PPL Electric Statement No. 4 at 6.

20. The Landis + Gyr Focus AXR-SD meter is certified by the Underwriters Laboratories at UL 2735. PPL Statement No. 4 at 8.

21. The Landis + Gyr Focus AXR-SD meter is compliant with the American National Standards Institute (ANSI) C12.10. PPL Statement No. 4 at 8.

22. PPL Witness Davis has a Ph.D. in Physics and is a fulltime Professor with an endowed Chair at the University of Maryland, where for over 30 years he has taught Physics, Electrical Engineering, Electromagnetics, and RF Electromagnetics to undergraduate and graduate students. PPL Electric Statement No. 1 at 1-5.

23. In addition to his teaching, Dr. Davis is an active scientific researcher in the fields of Physics, Biophysics, Electrical Engineering, Bioelectromagnetics and RF Bioelectromagnetics, conducting many scientific studies in these fields and publishing over 250 studies in peer-reviewed scientific journals. PPL Electric Statement No. 1 at 1-5.

24. Dr. Davis conducted a substantial amount of research on RF fields of the type produced by the AMI meters being used by PPL. PPL Electric Statement No. 1 at 3.

25. RF fields are part of the lower energy, non-ionizing portion of the electromagnetic spectrum which consists of lower frequency signals that do not have enough energy to break chemical bonds in cells or DNA. PPL Electric Statement No. 1 at 5-6.

26. RF fields come from many sources in our everyday environments, including AM/FM radio, television broadcast, cell phones and their communication networks, portable phones, garage door openers and Wi-Fi networks. PPL Electric Statement No. 1 at 5-7, 12.

27. “Dirty electricity” is a non-scientific term that sometimes is used to refer to electrical characteristics (harmonics and transients) that can be found on household wiring. Tr. 75-76, PPL Electric Statement No. 1 at 8.

28. The AMI meter in question does not generate spurious harmonics or signals that are commonly referred to as “dirty electricity.” Tr. 72-72.

29. The FCC has determined safe public exposure levels for RF fields from devices that transmit RF signals, such as the AMI meters. Tr. 70- 71, PPL Electric Statement No. 1 at 9-10.

30. The FCC safe public exposure limits are based on evaluations of the body of scientific research on RF fields and were adopted in consultation with other federal agencies, including the Food and Drug Administration (FDA) and the Environmental Protection Agency (EPA). PPL Electric Statement No. 1 at 9-10.

31. The levels of RF fields from the Landis + Gyr Focus AX-SD AMI meters are 98,000 times lower than the RF exposure safety limits established by the FCC. PPL Electric Statement No. 1 at 15, PPL Electric Exhibit CD2.

32. The level of RF fields from the Landis + Gyr Focus AX-SD AMI meter is 0.0000061 mW/cm<sup>2</sup> at a distance of one meter. PPL Electric Exhibit CD-2.

33. The FCC RF maximum limit standard is 0.6 mW/cm<sup>2</sup> at one meter distance. PPL Electric Exhibit CD-2.

34. RF signals from the AMI meter are of very short duration and will occur for only a total of 84 seconds over a 24-hour period. Tr. 60-61, PPL Electric Statement No. 1 at 7, PPL Electric Exhibits CD-2 and CD-3.

35. Dr. Davis used Hewlett Packard or Agilent Technologies RF equipment that costs tens of thousands of dollars, including spectrum analyzers that have peak hold capability and other features to show the spectrum of an RF signal and how long it lasts. Tr. 57, PPL Electric Exhibit CD-2.

36. The RF field exposure 30 feet from a person using a cell phone are three times larger than the RF fields from the AMI meter. PPL Electric Statement No. 1 at 14, PPL Electric Exhibit CD4.

37. RF fields from using cell phones near the head can be over 260,000 times higher than the RF fields from the AMI meter. Tr. 14, PPL Electric Exhibit CD4.

38. There are six television broadcast towers within a 50-mile radius of Complainant's service address in Orefield, Pennsylvania. PPL Electric Statement No. 1 at 15.

39. Based on the locations of each tower and their RF power outputs, the constant background level of RF fields at Complainant's residence are 23.3 times higher than the RF signals from the AMI meter. PPL Electric Statement No. 1 at 15, PPL Electric Exhibit CD-5.

40. The level of RF fields from AMI meters being used by PPL is far too low to cause a thermal or heating effect. PPL Electric Statement No. 1 at 13-14.

41. PPL Witness Israel received his undergraduate degree from Hamilton College and his medical degree from the Albert Einstein College of Medicine, and he completed his medical training at Harvard Medical School. PPL Electric Statement No. 2 at 1.

42. Dr. Israel is a Professor of Medicine, Pediatrics, and Molecular and Systems Biology at the Dartmouth Medical School and the Executive Director of the Israel Cancer Research Fund in New York, an international charitable fund for medical and scientific research programs. PPL Electric Statement No. 2 at 1.

43. Dr. Israel is board certified and licensed to practice medicine. PPL Electric Statement No. 2 at 3.

44. Dr. Israel has conducted medical research for 40 years in a wide variety of areas, including systems biology, biochemistry, cell biology, cancer, molecular biology, and molecular genetics and has published over 245 medical research studies in leading peer-reviewed scientific journals. PPL Electric Statement No. 2 at 3-4.

45. Dr. Israel also has taught medicine and science for more than 30 years to medical students, graduate students, interns, residents, and practicing physicians in a number of fields, including endocrinology, immunology, hematology, neurology, cardiology, biochemistry, cell biology, genetics, molecular genetics, medical oncology, and radiation oncology. PPL Electric Statement No. 2 at 3.

46. Claimed symptoms related to Electromagnetic Hypersensitivity (EHS) are more accurately described as “Idiopathic Environmental Intolerance” (“IEI”), in which “idiopathic” means “cause unknown,” rather than electromagnetic hypersensitivity. PPL Electric Statement No. 2 at 12-13.

47. There are no established medical criteria for the diagnosis or treatment of IEI. PPL Electric Statement No. 2 at 15-16.

48. IEI and the variety of symptoms attributed to it are not caused by exposure to RF fields. PPL Electric Statement No. 2 at 15-16.

49. The World Health Organization and a number of other public health authorities have concluded that the scientific research on RF exposures from cell phone use, which are far higher than the RF from PPL's smart meters, has not shown that RF fields cause adverse health effects. PPL Electric Statement No. 2 at 10-16, PPL Electric Exhibit MI-1.

50. Several state public health authorities in the United States have also investigated claims about health effects from smart meters and have concluded that there is no credible scientific evidence that RF fields from smart meters will cause or contribute to any adverse health effects. PPL Electric Statement No. 2 at 11, PPL Electric Exhibit MI-2.

51. Tinnitus is a medical condition characterized by ringing or buzzing in the ears but there is no reliable medical basis to conclude that RF fields from the AMI meters being used by PPL will cause or contribute to the development of tinnitus. PPL Electric Statement No. 2 at 16.

52. There is no reliable medical basis to conclude that RF fields from the AMI meters being used by PPL would cause, contribute to, or exacerbate any of the symptoms claimed by the Complainant, or any other adverse health effects. PPL Electric Statement No. 2 at 15-17.

53. As a part of its Smart Meter Plan proceeding, PPL filed a detailed AMI Customer Privacy Policy, which sets forth the data PPL will collect through the new smart meter, the steps the Company will take to protect the data, and the ways in which PPL will use the data. PPL Electric Exhibit No. DV-1.

54. PPL uses firewalls to prevent anyone from obtaining unauthorized access to the AMI network. PPL Statement No. 4 at 7-8.

55. Customer data is encrypted to make the data readable to only PPL personnel who can decode the encryption. PPL Statement No. 4 at 7-8.

56. PPL’s cybersecurity and data privacy policies are consistent with the national standards for the industry. PPL Statement No. 4 at 7-8.

57. There is a Zigbee radio in the meter not enabled unless the customer requests it to be enabled by PPL. Tr. 37, 42-46.

58. PPL’s AMI meter network has never been hacked. Tr. 41-42.

## DISCUSSION

### Legal Standards

Under Section 332(a) of the Public Utility Code, 66 Pa. C.S. § 332(a), “the proponent of a rule or order has the burden of proof.” It is well-established that “[a] litigant’s burden of proof before administrative tribunals as well as before most civil proceedings is satisfied by establishing a preponderance of evidence which is substantial and legally credible.” *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm’n*, 578 A.2d 600, 602 (Pa. Cmwlth. 1990). The preponderance of evidence standard requires proof by a greater weight of the evidence. *Commonwealth v. Williams*, 557 Pa. 207, 732 A.2d 1167 (1999). This standard is satisfied by presenting evidence more convincing, by even the smallest amount, than that presented by another party. *Brown v. Commonwealth*, 940 A.2d 610, 614 n.14 (Pa. Cmwlth. 2008).

If the party seeking a rule or order from the Commission sets forth a *prima facie* case, then the burden shifts to the opponent. *MacDonald v. Pa. R.R. Co.*, 348 Pa. 558, 36 A.2d 492 (1944). Establishing a *prima facie* case requires either evidence sufficient to make a finding of fact permissible or evidence to create a presumption against an opponent which, if not met, results in an obligatory decision for the proponent. Once a *prima facie* case has been established, if contrary evidence is not presented, there is no requirement that the party seeking a rule or order from the Commission must produce additional evidence to sustain its burden of proof. *See Replogle v. Pa. Elec. Co.*, 54 Pa. PUC 528, 1980 Pa. PUC LEXIS 20 (Order entered Oct. 9, 1980); *see also Dist. of Columbia’s Appeal*, 21 A.2d 883 (Pa. 1941); *Application of*

*Pennsylvania-American Water Co. for Approval of the Right To Offer, Render, Furnish or Supply Water Serv. to the Pub. in Additional Portions Of Mahoning Twp., Lawrence County, Pa.*, Docket No. A-212285F0148, 2008 Pa. PUC LEXIS 874 (Order entered Oct. 29, 2008).<sup>3</sup>

In addition, a person does not sustain his or her burden of proof in an electric and magnetic field exposure case when the record evidence, “taken as a whole, leads to the ultimate finding and conclusion that the scientific studies at present are inconclusive.” *Letter of Notification of Phila. Elec. Co. Relative to the Reconstructing and Rebuilding of the Existing 138 kV Line to Operate as the Woodbourne-Heaton 230 kV Line in Montgomery and Bucks Counties*, 1992 Pa. PUC Lexis 160, at \*210-11 (June 29, 1992) (Initial Decision) (“*Woodbourne-Heaton*”). Rather, the person must demonstrate by a preponderance of the evidence that such exposure actually causes adverse health effects. *Id.* at \*211. Specifically, in AMI meter-related matters, the Commission has held that “[t]he Complainant will have the burden of proof during the proceeding to demonstrate, by a preponderance of the evidence, that [the utility] is responsible or accountable for the problem described in the Complaint.” *Kreider v. PECO Energy Co.*, Docket No. P-2015-2495064, p. 18 (Order entered Sept. 3, 2015) (*Kreider*); *see also Romeo v. Pa. Pub. Util. Comm’n*, 154 A.3d 422, 429 (Pa. Cmwlth. 2017) (finding that the smart meter complainant should have a hearing to try to prove his claim through “the testimony of others as well as other evidence that goes to that issue”).

Section 701 of the Public Utility Code provides that “any person . . . having an interest in the subject matter . . . may complain in writing, setting forth any act or thing done or omitted to be done by any public utility in violation, or claimed violation, of any law which the commission has jurisdiction to administer, or of any regulation or order of the commission.”

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<sup>3</sup> In addition, any finding of fact necessary to support an adjudication of the Commission must be based upon substantial evidence. *Met-Ed Indus. Users Grp. v. Pa. Pub. Util. Comm’n*, 960 A.2d 189, 193 n.2 (Pa. Cmwlth. 2008) (citing 2 Pa.C.S. § 704). Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *Borough of E. McKeesport v. Special/Temporary Civil Serv. Comm’n*, 942 A.2d 274, 281 n.9 (Pa. Cmwlth. 2008) (citation omitted). Although substantial evidence must be “more than a scintilla and must do more than create a suspicion of the existence of the fact to be established,” *Kyu Son Yi v. State Bd. of Veterinary Med.*, 960 A.2d 864, 874 (Pa. Cmwlth. 2008) (citation omitted), the “presence of conflicting evidence in the record does not mean that substantial evidence is lacking.” *Allied Mech. and Elec., Inc. v. Pa. Prevailing Wage Appeals Bd.*, 923 A.2d 1220, 1228 (Pa. Cmwlth. 2007) (citation omitted).

66 Pa. C.S. § 701. Therefore, a complainant must generally demonstrate that the public utility violated the Public Utility Code or a Commission regulation or order.

The Commission has exclusive jurisdiction to adjudicate “issues involving the reasonableness, adequacy, and sufficiency” of a public utility’s facilities and services. *See Elkin v. Bell of Pa.*, 420 A.2d 371, 374 (Pa. 1980) (citations omitted). Section 1501 of the Public Utility Code states, in pertinent part, that:

Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. Such service also shall be reasonably continuous and without unreasonable interruptions or delay. Such service and facilities shall be in conformity with the regulations and orders of the commission. Subject to the provisions of this part and the regulations or orders of the commission, every public utility may have reasonable rules and regulations governing the conditions under which it shall be required to render service. . .

66 Pa. C.S. § 1501.

Section 57.28(a)(1) of the Commission’s Regulations provides:

An electric utility shall use reasonable effort to properly warn and protect the public from danger, and shall exercise reasonable care to reduce the hazards to which employees, customers, the public and others may be subjected to by reason of its provision of electric utility service and its associated equipment and facilities.

52 Pa. Code § 57.28(a)(1).

When presented with a challenge to an AMI meter installation, the Commission has pronounced that “[t]he ALJ’s [Administrative Law Judge’s] role . . . will be to determine based on the record in this particular case, whether there is sufficient evidence to support a finding that the Complainant was adversely affected by the smart meter or whether [the utility’s] use of a smart meter will constitute unsafe or unreasonable service in violation of Section 1501 under the circumstances in this case.” *Kreider* (citing *Woodbourne-Heaton*, 1992 Pa. PUC Lexis

160, at \*12-13). *Frompovich v. PECO Energy Co.*, Docket No. C-2015-2474602 at 10 (Opinion and Order entered May 3, 2018).

#### Opt-out v. Opt-in

Complainant requests the Commission “overrule or go against Act 129” and allow for a meter to not be installed as Mr. Maslar is not volunteering for the installation. Tr. 83. Alternatively, the Complainant requests installation be delayed until the General Assembly enacts legislation allowing for an opt-out of smart meter installation. Amended Complaint.

Conversely, PPL contends its installation of an AMI Meter is required by Pennsylvania law pursuant to Act 129 and nothing presented by Mr. Maslar establishes that installing the AMI meter violates Section 1501 of the Public Utility Code. Tr. 84. PPL objects to a delay in installation pending legislative action.

Act 129 amended Chapter 28 of the Public Utility Code (Code), 66 Pa. C.S. §§ 2801-2815, and required EDCs with more than 100,000 customers to file smart meter technology procurement and installation plans for Commission approval and to furnish smart meter technology within its service territory in accordance with the provisions of the Act. While Act 129 does not provide customers a general “opt-out” right from smart meter installation at a customer’s residence, a customer’s formal complaint that raises a claim under Section 1501 of the Code, 66 Pa. C.S. § 1501, related to the safety of a utility’s installation and use of a smart meter at the customer’s residence is legally sufficient to proceed to an evidentiary hearing before an ALJ. *See Povacz v. PECO Energy Company*, Docket No. C-2012-2317176 (Order entered January 24, 2013) (*January 2013 Povacz Order*); *see also Kreider*.

To the extent that the Complainant desires the ability to “opt out” of the smart meter installation, he could advocate for such ability before the General Assembly, which is considering amending Section 2807(f) in some pending bills including: PA House Bill Nos. 1564 and 1565; and Senate Bill No. 443. These bills are not law. The Commission has held that it has no authority, absent directive in the form of legislation, to prohibit an EDC from installing a

smart meter where a customer does not want one. *See January 2013 Povacz Order*. PPL would be in violation of the law if they did not install a smart meter at similarly situated residences. *Id.* The Commission has held that there is no provision in Pennsylvania law to allow a customer to opt out from the installation of an AMI meter, and thus, this requested relief is outside of the Commission's jurisdiction and authority. *Hoffman-Lorah v. PPL Electric Utilities Corporation*, C-2018-2644957 (Opinion and Order entered May 23, 2019) at 43-44. There is no legal requirement that PPL be required to wait until legislation is passed allowing customers to opt out of a smart meter installation. Accordingly, I find in favor of Respondent on this issue.

The Commission has addressed whether an EDC can offer some accommodation or alternative to customers who have concerns about AMI meters. In its January 28, 2016 Order, the Commission elaborated upon the kinds of accommodations or alternatives that might be possible, stating:

It may be possible, for example, for the Respondent to install the smart meter in a different location other than outside of the Complainant's bedroom or to use a different type of smart meter at this Complainant's home.

*Kreider at 23.*

The Commission did not state that meter deployment could be delayed upon request to the deadline for smart meter deployment in 2020. In *Povacz v. PECO*, C-2015-2475023 (Initial Decision issued March 16, 2018), the ALJ gave the residential customer an option to notify the EDC whether she would relocate the meter socket at her service address. If timely done, the ALJ further ordered the customer to pay the costs to move her meter socket and ordered the EDC to bear the costs associated with connecting its service to a new location of a meter socket. *Id.* at 32, Ordering Paragraphs Nos. 1-9. On March 28, 2019, the Commission rejected the ALJ's directive that PECO must absorb the costs on its side of the meter to the extent any costs are anticipated to be incurred by PECO should the Complainant opt to relocate the meter board on her property. *Povacz*. Opinion and Order entered March 28, 2019.

In the instant case, PPL Witness Durkin testified PPL Electric Rule 4(I)(1) refers to the relocation of facilities, which would include the meter. Rule 4(I)(1) and (2) provide:

(1) The relocation of customer's facilities due to moving or rearranging Company's facilities at the direction of either the federal, state or local government is the customer's responsibility and expense.

(2) The relocation of Company facilities, when done at the request of others, is at the applicant's expense and payment of the company's estimated cost of the relocation is required in advance of construction. When the request is from an affected property owner and the facilities are on the customer's property, the charges for relocation of distribution system facilities are limited to estimated contractor costs, estimated direct labor and estimated material costs, less an amount equal to any estimated maintenance expense avoided as a result of the relocation.

Rule 4(I)(1) and (2), Supplement No. 59, Electric Pa. PUC No. 201, PPL Electric Exhibit KD-6, PPL Electric Statement No. 3 at 10. Mr. Durkin's testimony that a meter is considered part of a Company's facilities is unrefuted. PPL Electric Statement No. 3 at 10.

A public utility's Commission-approved tariff is prima facie reasonable, has the full force of law and is binding on the utility and the customer. 66 Pa.C.S. § 316, *Kossmann v. Pa. Pub. Util. Comm'n*, 694 A.2d 1147 (Pa. Cmwlth. 1997); *Stiteler v. Bell Telephone Co. of Pennsylvania*, 379 A.2d 339 (Pa. Cmwlth. 1977). Thus, I find Tariff Rule 4(I)(1) and (2) to be binding upon the parties and Complainant has failed to show the tariff provision to be unreasonable. Under PPL's Tariff Rule 4(I)(1) and (2), Complainant has the option of relocating his meter to a different location because while PPL chooses the type of meter, the customer chooses the location of the meter board and socket. If Mr. Maslar would like a different location for the AMI meter, he can hire an electrician to move the meter board/socket to a new location on the service property. This will, in some situations, require work on the PPL system as well to extend its conductors to the new meter board location. PPL will limit charges for relocation of distribution system facilities to estimated contractor costs, estimated direct labor and estimated material costs, less an amount equal to any estimated maintenance expense avoided as a result of the relocation in accordance with its tariffed provisions. This option remains open to the parties. However, there is no tariff provision requiring PPL to move an AMI meter solely at the EDC's

expense. This is consistent with the Commission's decision in *Torres v. PPL*, C-2018-2641883 (Final Order entered November 30, 2018 adopting Initial Decision issued October 17, 2018).

### Health and Safety Concerns

Complainant requests PPL be precluded from installing an AMI meter on his service property for health and safety reasons. Specifically, Complainant offered scientific studies, a bibliography of scientific studies, and a 60-page exhibit consisting of internet hyperlinks to studies regarding health effects from exposure to radiofrequency fields. Tr. 22-27. To refute the direct testimony of PPL Witness Christopher Davis, PhD, Complainant testified that he is an electronic technician who used a Cornet EDT88 Field Strength Meter to measure radio frequency peaks at his neighbor's Landis + Gyr E 350 meter from one meter's distance to be in the range from 24 to 31 milliwatts per centimeter squared ( $\text{mW}/\text{cm}^2$ ) in pulsing intervals of 900 megahertz emissions. Tr. 16-28. Complainant argues this shows the RF field levels from the AMI meter far exceed the FCC's standard; therefore, the AMI meters are unhealthy and unsafe.

Conversely, Respondent contends that Complainant has failed to meet his burden of proving there is a conclusive causal connection between low-level RF fields from a PPL smart meter and any adverse health effects. Specifically, PPL contends Complainant has failed to refute the credible testimony of Dr. Christopher Davis and Dr. Mark Israel. PPL argues Complainant's 24 – 34  $\text{mW}/\text{cm}^2$  reading from a Cornet EDT88 meter that Complainant used in his test is inaccurate. Tr. 30, 58. According to the manufacturer's specifications, the Cornet EDT88 meter cannot measure above .58 watts per square meter, which is .058 milliwatts per square centimeters. Therefore, it is unlikely Complainant actually recorded the power levels to which he testified. Tr. 59, 61-66. The readings Dr. Davis made using a Hewlett Packard or Agilent RF equipment that costs tens of thousands of dollars, including spectrum analyzers that have peak hold capability and other features to show the spectrum of an RF signal and how long it lasts are accurate. Tr. 57, PPL Electric Exhibit CD-2. Thus, the amount of RF fields emitting from the Landis + Gyr Focus E350 meter intended for Complainant's residence is well below the FCC's standard limit.

With regard to the exhibits Complainant attempted to admit at the hearing (scientific studies, a bibliography of scientific studies, and a 60-page exhibit consisting of internet hyperlinks to studies regarding health effects from exposure to radiofrequency fields offered by the complainant), PPL raised a hearsay objection at the hearing to the admission of these studies and hyperlinks to studies.

### Disposition

The *Walker/Chapman* rule provides that simple hearsay evidence may support an agency's finding of fact so long as the hearsay is admitted into the record without objection and is corroborated by competent evidence in the record. See *Walker v. Unemployment Compensation Board of Review*, 367 A.2d 366, 370 (Pa. Cmwlth. 1976) (*Walker*) (citations omitted); see also *Chapman v. Unemployment Compensation Board of Review*, 20 A.3d 603, 610, n.8 (Pa. Cmwlth. 2011) (*Chapman*). Under Pennsylvania's *Walker/Chapman* Rule, it is well-established that "[h]earsay evidence, properly objected to, is not competent evidence to support a finding." Even if hearsay evidence is "admitted without objection," the ALJ must give the evidence "its natural probative effect and may only support a finding . . . if it is corroborated by any competent evidence in the record," as "a finding of fact based solely on hearsay will not stand." *Walker*, at 370 (citations omitted).

I did not admit Complainant's proposed exhibits because he did not comply with my Second Prehearing Order requiring him to provide copies of exhibits and written testimony by March 15, 2019. Tr. 24, Second Prehearing Order dated February 6, 2019, Ordering Paragraph No. 9 at 2. Whereas Mr. Maslar had the company's testimony and exhibits in advance of the hearing since April 19, 2019, PPL had no such ability to review scientific articles or studies upon which Complainant relied in his testimony. Tr. 24, Second Prehearing Order, Ordering Paragraph No. 10 at 2. PPL had no prior opportunity to research sixty pages of hyperlinks to further studies, a time-consuming task. Complainant knew in advance of the hearing that PPL's expert witnesses would appear via telephone. Second Prehearing Order, Ordering Paragraph No. 11 at 3, Order Denying Request for Continuance dated February 28, 2019 at 1. Dr. Israel and Dr. Davis as well as Attorney Renner appeared at the hearing via

telephone, with no means of reviewing the hard copies of exhibits brought to the in-person hearing by Complainant. Tr. 24. It would have prejudiced Respondent to require its expert witnesses to review and respond to the hundreds of studies Complainant claimed he relied upon in his testimony at the hearing.

I also sustained PPL's hearsay objections and did not admit the exhibits because PPL was denied an opportunity to test the veracity of the authors' opinions or their qualifications to render such opinions at the hearing. 66 Pa. C.S. § 332(c). *Answerphone, Inc. & Elite Answering Serv. v. The Bell Tele. Co. of Pa.*, 1993 Pa. PUC LEXIS 70, at \*29-30 (Order entered April 1, 1993).

Complainant's testimony was refuted by PPL's expert witness Dr. Davis, who has a Ph.D. in Physics and is a fulltime Professor with an endowed Chair at the University of Maryland, where for over 30 years he has taught Physics, Electrical Engineering, Electromagnetics, and RF Electromagnetics to undergraduate and graduate students. PPL Electric Statement No. 1 at 1-5. In addition to his teaching, Dr. Davis is an active scientific researcher in the fields of Physics, Biophysics, Electrical Engineering, Bioelectromagnetics and RF Bioelectromagnetics, conducting many scientific studies in these fields and publishing over 250 studies in peer-reviewed scientific journals. PPL Electric Statement No. 1 at 1-5.

Dr. Davis conducted a substantial amount of research on RF fields of the type produced by the AMI meters being used by PPL. PPL Electric Statement No. 1 at 3. RF fields are part of the lower energy, non-ionizing portion of the electromagnetic spectrum which consists of lower frequency signals that do not have enough energy to break chemical bonds in cells or DNA. PPL Electric Statement No. 1 at 5-6. RF fields come from many sources in our everyday environments, including AM/FM radio, television broadcast, cell phones and their communication networks, portable phones, garage door openers and Wi-Fi networks. PPL Electric Statement No. 1 at 5-7, 12.

"Dirty electricity" is a non-scientific term that sometimes is used to refer to electrical characteristics (harmonics and transients) that can be found on household wiring. PPL

Electric Statement No. 1 at 8. AMI meters do not generate electricity, do not generate harmonics and transients that are significant compared to the harmonics and transients already present on the 60 Hz power coming into the home and do not interfere with the operation of household wiring.

The FCC has determined safe public exposure levels for RF fields from devices that transmit RF signals, such as the AMI meters. PPL Electric Statement No. 1 at 9-10. The FCC safe public exposure limits are based on evaluations of the body of scientific research on RF fields and were adopted in consultation with other federal agencies, including the Food and Drug Administration (FDA) and the Environmental Protection Agency (EPA). PPL Electric Statement No. 1 at 9-10.

Dr. Davis used Hewlett Packard or Agilent Technologies RF equipment that costs tens of thousands of dollars, including spectrum analyzers that have peak hold capability and other features to show the spectrum of an RF signal and how long it lasts. Tr. 57, PPL Electric Exhibit CD-2. Dr. Davis opined that the levels of RF fields from the Landis + Gyr Focus AX-SD AMI meters are 98,000 times lower than the RF exposure safety limits established by the FCC. PPL Electric Statement No. 1 at 15, PPL Electric Exhibit CD2. RF signals from the AMI meter are of very short duration and will occur for only a total of 84 seconds over a 24-hour period. PPL Electric Statement No. 1 at 7.

The RF field exposure 30 feet from a person using a cell phone are three times larger than the RF fields from the AMI meter. PPL Electric Statement No. 1 at 14, PPL Electric Exhibit CD4. RF fields from using cell phones near the head can be over 260,000 times higher than the RF fields from the AMI meter. PPL Electric Exhibit CD4.

Additionally, there are six television broadcast towers within a 50-mile radius of Complainant's location in Orefield, Pennsylvania. PPL Electric Statement No. 1 at 15. Based on the locations of each tower and their RF power outputs, the constant background level of RF fields at Complainant's residence are 23.3 times higher than the RF signals from the AMI meter. PPL Electric Statement No. 1 at 15, PPL Electric Exhibit CD-5. Thus, given the background RF

exposure to the service property compared to the minimal RF exposure from the AMI meter, I am not persuaded to conclude the AMI meter will cause a deleterious health effect to Complainant. This holding is consistent with recent caselaw precedent including: *Hoffman-Lorah supra.*; *Sunstein Murphy v. PECO Energy Company*, C-2015-2475726 (Opinion and Order entered May 9, 2019); *Benhayon v. PPL Electric Utilities Corporation*, C-2018-3003491 (Final Order entered April 29, 2019, adopting Initial Decision issued March 25, 2019) and *Lesniewski v. PPL Electric Utilities Corporation*, C-2018-3004594 (Final Order entered April 29, 2019, adopting Initial Decision issued March 25, 2019).

Although Complainant has training and experience in electronics, he is not an expert witness in the fields of electrical engineering, physics, biophysics, chemistry, dosimetry or medicine. The Cornet EDT88 meter that Complainant used in his test can be purchased for approximately \$200 and is not a professional-grade meter. Tr. 30, 58. According to the manufacturer's specifications, the Cornet EDT88 meter cannot measure above .58 watts per square meter, which is .058 milliwatts per square centimeters. Therefore, it is unlikely Complainant actually recorded the power levels to which he testified. Tr. 59, 61-66. Additionally, the Cornet meter could have been measuring spurious signals coming in through Complainant's neighbor's powerline and could have been measuring signals from local television broadcast towers. Tr. 65. For these reasons, I find Complainant's testimony that the RF Fields emitting from the Landis + Gyr Focus E 350 meter are in excess of the FCC limit to be unbelievable. Complainant's opinion is based upon conjecture and incomplete information. As such, his opinion is unpersuasive.

Recently, in *Povacz v. PECO*, C-2015-2475023 (Opinion and Order entered March 28, 2019), the Commission held Ms. Povacz failed to prove she suffered from electromagnetic hypersensitivity syndrome as she had self-diagnosed the illness. *Id.* at 59-60. Without independent diagnostic evidence to corroborate a Complainant's self-diagnosis, Complainant failed to prove that she was electromagnetically hypersensitive. *Id.* at 60. Specifically, the Commission held:

Based on the foregoing analysis and discussion, we believe the Complainant's evidence is not sufficient to establish a *prima facie* case under 66 Pa. C.S. § 332(a) in demonstrating that the RF exposure levels from a PECO smart meter will cause adverse health effects for the Complainant.

*Id.* at 60.

Similarly, in the instant case, I find Complainant has not established a *prima facie* case to show that any RF exposure levels from a Landis + Gyr Focus AXR-SD meter will cause him to experience adverse health effects. The assertions of Complainant that his health will deteriorate because of radiofrequency fields emitted by an AMI meter are bald assertions, which do not constitute evidence. *Bervinchak v. PPL Electric Utilities Corporation*, Docket No. C-2016-2572824 (Final Order entered on October 2, 2018). *See also, Pa. Bureau of Corrections v. City of Pittsburgh*, 532 A.2d. 12 (Pa. 1987).

No corroborative medical evidence was proffered to support Complainant's testimony. There is insufficient evidence to show that an AMI meter will cause him to suffer deleterious health effects.

Complainant has no medical degree. His testimony as to the deleterious health effects of an AMI smart meter was refuted by the credible testimony of PPL's expert witness Mark Israel, a Professor of Medicine, Pediatrics, and Molecular and Systems Biology at the Dartmouth Medical School and the Executive Director of the Israel Cancer Research Fund in New York, an international charitable fund for medical and scientific research programs. PPL Electric Statement No. 2 at 1. Dr. Israel is board certified and licensed to practice medicine. PPL Electric Statement No. 2 at 3. Dr. Israel has conducted medical research for 40 years in a wide variety of areas, including systems biology, biochemistry, cell biology, cancer, molecular biology, and molecular genetics and has published over 245 medical research studies in leading peer-reviewed scientific journals. PPL Electric Statement No. 2 at 3-4. Dr. Israel also has taught medicine and science for more than 30 years to medical students, graduate students, interns, residents, and practicing physicians in a number of fields, including endocrinology, immunology,

hematology, neurology, cardiology, biochemistry, cell biology, genetics, molecular genetics, medical oncology, and radiation oncology. PPL Electric Statement No. 2 at 3.

Claimed symptoms related to EHS are more accurately described as “Idiopathic Environmental Intolerance” (“IEI”), in which “idiopathic” means “cause unknown,” rather than electromagnetic hypersensitivity. PPL Electric Statement No. 2 at 13. There are no established medical criteria for the diagnosis or treatment of IEI. PPL Electric Statement No. 2, p. 16, lines 8-9. IEI and the variety of symptoms attributed to it are not caused by exposure to RF fields. PPL Electric Statement No. 2 at 15.

The World Health Organization and a number of other public health authorities have concluded that the scientific research on RF exposures from cell phone use, which are far higher than the RF exposure from PPL’s smart meters, has not shown that RF fields cause adverse health effects. PPL Electric Statement No. 2 at 10-15, PPL Electric Exhibit MI-1.

Several state public health authorities in the United States also have investigated claims about health effects from smart meters and have concluded that there is no credible scientific evidence that RF fields from smart meters will cause or contribute to any adverse health effects. PPL Electric Statement No. 2 at 11, PPL Electric Exhibit MI-2. There is no reliable medical basis to conclude that RF fields from the AMI meters intended for installation by PPL will cause or contribute to the development of illness or disease. PPL Electric Statement No. 2. There is no reliable medical basis to conclude that RF fields from the AMI meters being used by PPL would cause, contribute to, or exacerbate any of the symptoms claimed by the Complainant, or any other adverse health effects. PPL Electric Statement No. 2 at 14-15. I find in favor of Respondent on the health and safety concerns issue.

### Data Privacy

Complainant contends it is unreasonable that the new AMI meter invades his privacy and that the meters are not cyber secure. Conversely, PPL argues its witnesses’ testimonies have successfully refuted Complainant’s lay testimony regarding data privacy issues.

## Disposition

As a part of its Smart Meter Plan proceeding, PPL filed a detailed AMI Customer Privacy Policy, which sets forth the data PPL will collect through the new smart meter, the steps the Company will take to protect the data, and the ways in which PPL will use the data. PPL Electric Exhibit No. DV-1. PPL uses firewalls to prevent anyone from obtaining unauthorized access to the AMI network. PPL Statement No. 4 at 6-8. Customer data is encrypted to make the data readable to only PPL personnel who can decode the encryption. PPL Statement No. 4 at 6-8. PPL's cybersecurity and data privacy policies are consistent with the national standards for the industry. PPL Statement No. 4 at 8. Additionally, if Complainant is concerned about the AMI meter's connection to smart appliances in her home, he can decline to have the ZigBee radio activated. *See Lesniewski, Id.* at 24, wherein the Commission found in favor of PPL regarding the same data privacy issue. Specifically, the Commission held that Ms. Lesniewski had an option to decline activation of the ZigBee radio device located within the AMI meter. For these reasons, I find in favor of Respondent on this data privacy issue.

## CONCLUSION

For all of these aforementioned reasons, the complaint will be dismissed for failure to prove by a preponderance of evidence that the installation of a smart meter constitutes unsafe or unreasonable service under 66 Pa. C.S. § 1501 or a violation of the Public Utility Code, a Commission order or regulation or a Commission-approved tariff of the company. Although the Complainant is genuine in his concerns, the Commission's decisions cited above are controlling.

PPL's Motion to Compel Responses to Discovery Propounded on Thomas Maslar – Set I filed on April 23, 2019, shall be denied as moot because the underlying Complaint shall be denied and dismissed.

## CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter in this proceeding. 66 Pa. C.S. § 701.
2. PPL Electric Utilities Corporation's smart meter procurement and installation plan, which was approved by Commission Order in the case of *Petition of PPL Electric Utilities Corp. for Approval of Its Smart Meter Technology Procurement and Installation Plan*, Docket No. M-2014-2430781, p. 24 (Order Entered Sept. 3, 2015) does not contain a provision for customers to opt out of smart meter installation.
3. Under Section 332(a) of the Pennsylvania Public Utility Code, the proponent of a rule or order has the burden of proof. 66 Pa. C.S. § 332(a). It is well established that "[a] litigant's burden of proof before administrative tribunals as well as before most civil proceedings is satisfied by establishing a preponderance of evidence which is substantial and legally credible." *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600, 602 (Pa. Cmwlth. 1990).
4. The preponderance of evidence standard requires proof by a greater weight of the evidence. *Commonwealth v. Williams*, 557 Pa. 207, 732 A.2d 1167 (1999). This standard is satisfied by presenting evidence that makes the existence of a contested fact more likely than its nonexistence. *Brown v. Commonwealth*, 940 A.2d 610, 614 n.14 (Pa. Cmwlth. 2008) (citation omitted).
5. A person does not sustain his or her burden of proof in an electric and magnetic field exposure case when the record evidence, "taken as a whole, leads to the ultimate finding and conclusion that the scientific studies at present are inconclusive" rather, the person must demonstrate by a preponderance of the evidence that such exposure actually causes adverse health effects. *Letter of Notification of Phila. Elec. Co. Relative to the Reconstructing and Rebuilding of the Existing 138 kV Line to Operate as the Woodbourne-Heaton 230 kV Line in*

*Montgomery and Bucks Counties*, 1992 Pa. PUC Lexis 160, at \*210-11 (June 29, 1992) (Initial Decision).

6. In AMI meter-related matters, the Commission has held that “[t]he Complainant will have the burden of proof during the proceeding to demonstrate, by a preponderance of the evidence, that [the utility] is responsible or accountable for the problem described in the Complaint.” *Kreider v. PECO Energy Co.*, Docket No. P-2015-2495064, p. 18 (Order entered Sept. 3, 2015).

7. Section 701 of the Public Utility Code provides that “any person . . . having an interest in the subject matter . . . may complain in writing, setting forth any act or thing done or omitted to be done by any public utility in violation, or claimed violation, of any law which the commission has jurisdiction to administer, or of any regulation or order of the commission.” 66 Pa. C.S. § 701.

8. Complainant has failed to sustain his burden of proof that Respondent violated Section 1501 of the Public Utility Code. 66 Pa. C.S. § 1501.

9. The Commission has exclusive jurisdiction to adjudicate “issues involving the reasonableness, adequacy, and sufficiency” of a public utility’s facilities and services. See *Elkin v. Bell of Pa.*, 420 A.2d 371, 374 (Pa. 1980) (citations omitted).

10. When presented with a challenge to an AMI meter installation, the Commission has pronounced that “[t]he ALJ’s role . . . will be to determine based on the record in this particular case, whether there is sufficient evidence to support a finding that the Complainant was adversely affected by the smart meter or whether [the utility’s] use of a smart meter will constitute unsafe or unreasonable service in violation of Section 1501 under the circumstances in this case.” *Kreider v. PECO Energy Co.*, Docket No. P-2015-2495064, p. 23 (Order entered Jan. 28, 2016) (citing *Woodbourne-Heaton*, 1992 Pa. PUC Lexis 160, at \*12-13).

11. Complainant has failed to sustain his burden of proof that installing the new AMI meter would violate the Public Utility Code or any Commission regulation or order. See 66 Pa. C.S. §§ 332(a), 701, and 1501.

12. PPL is legally required to install the RF Mesh meter on the Complainant's property by Act 129 of 2008 and Commission orders. See 66 Pa. C.S. § 2807(f); *Smart Meter Procurement and Installation*, Docket No. M-2009-2092655, pp. 9, 14 (Order entered June 24, 2009).

13. Nothing in Act 129 of 2008 permits a customer to "opt-out" of a smart meter installation. See, e.g., *Starr v. PECO Energy Co.*, Docket No. C-2015-2516061, p. 11 (Order entered Sept. 1, 2016).

14. The Commission previously determined that the Company's existing PLC meters are not compliant with Act 129 of 2008 and the Commission's Smart Meter Implementation Order. See, *Petition of PPL Electric Utilities Corporation for Approval of Smart Meter Technology Procurement and Installation Plan*, Docket No. M-2009-2123945, p. 24 (Order entered June 24, 2010).

15. Under the Company's Commission-approved Smart Meter Plan, PPL must replace all of the PLC meters with the RF Mesh meters, which the Commission declared as meeting all of the requirements of Act 129 of 2008 and the Commission's Smart Meter Implementation Order. See, *Petition of PPL Electric Utilities Corp. for Approval of Its Smart Meter Technology Procurement and Installation Plan*, Docket No. M-2014-2430781, p. 24 (Order Entered Sept. 3, 2015).

16. The Complainant has failed to demonstrate that the new AMI meter causes, contributes to, or exacerbates any adverse health effect.

17. A utility may notify a customer and terminate service after notice is provided if a customer does not permit access to meters, service connections or other property of

