



*I do not!
consent
understand
Acknowledge
Recognize
Without prejudice/without recourse
By: Mark Pauli Kleeman, Esq.*

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

Devin Ryan
dryan@postschell.com
717-612-6052 Direct
717-731-1984 Direct Fax
File #: 187945

July 25, 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: Mark Pauli Kleeman v. PPL Electric Utilities Corporation
Docket No. C-2019-3010235

Dear Secretary Chiavetta:

Enclosed for filing is the Answer of PPL Electric Utilities Corporation to the Complaint of Mark Pauli Kleeman in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,

Devin Ryan

DTR/dmc
Enclosures

cc: Honorable Elizabeth Barnes (w/enclosure)
Certificate of Service

RECEIVED
2019 AUG - 1 AM 9:56
PA PUC
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Mark Pauli Kleeman,

Complainant,

v.

PPL Electric Utilities Corporation,

Respondent.

Docket No. C-2019-3010235

**ANSWER OF PPL ELECTRIC UTILITIES CORPORATION
TO THE COMPLAINT OF MARK PAULI KLEEMAN**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) files this Answer to the Complaint of Mark Pauli Kleeman (“Complainant”) pursuant to Section 5.61 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code § 5.61, and responds to each of the separately-numbered paragraphs as follows:

1. Admitted in part and denied in part. PPL Electric denies the utility account number that is stated in the Complaint. The remainder of Paragraph 1 is admitted.
2. Denied as stated. The Company’s name is PPL Electric Utilities Corporation.
3. Admitted.
4. Admitted in part and denied in part. It is admitted that PPL Electric installed a new automated metering infrastructure (“AMI”) meter at the Complainant’s service address. It is denied that the Company’s new AMI meter poses any health hazards. Specifically, it is denied that the AMI meters have caused, contributed to, or exacerbated any illnesses or will cause, contribute to, or exacerbate any illnesses. In the Complaint, the Complainant has failed to

provide any actual medical records of the adverse health effects he claims he or any members of his household have or will have as a result of the installation of the new AMI meter. Therefore, the Company demands strict proof thereof.

In the event of further response, PPL Electric was legally required to install the new AMI meter by the Public Utility Code, the Commission's orders, and the Company's Commission-approved Smart Meter Plan. See 66 P.S. § 2807(f); *Petition of PPL Electric Utilities Corp. for Approval of Its Smart Meter Technology Procurement and Installation Plan*, Docket No. M-2014-2430781 (Order entered Sept. 3, 2015) ("2015 Smart Meter Order"). By way of background, the Company deployed AMI meters and metering system between 2002 and 2004. These AMI meters were a part of a powerline carrier ("PLC") metering system. On November 14, 2008, Act 129 of 2008 became effective and required electric distribution companies ("EDCs") to file smart meter technology procurement and installation plans with the Commission within nine months. On June 24, 2009, the Commission issued its *Smart Meter Implementation Order*, which set forth requirements for the smart meter plans and procedures for the submission, review, and approval of the smart meter plans. See *Smart Meter Procurement and Installation*, Docket No. M-2009-2092655 (Order entered June 24, 2009).

On August 14, 2009, PPL Electric filed its initial Smart Meter Plan in compliance with Act 129 and the Commission's *Smart Meter Implementation Order*. The Company contended that its existing PLC system met the requirements under Act 129 and the *Smart Meter Implementation Order*. However, the Commission held that PPL Electric's existing PLC meters did not fully meet these requirements. 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) ("2010 Smart Meter Order"). Accordingly, the

Commission directed PPL Electric to develop a new Smart Meter Plan that would deploy new AMI technology that fully met these requirements. *See id.*

On June 30, 2014, PPL Electric filed its new Smart Meter Plan intended to comply with all the requirements of Act 129 and the Commission's *Smart Meter Implementation Order*. To meet these requirements, the Company proposed Radio Frequency ("RF") Mesh meters and metering system. These RF Mesh meters (*i.e.*, smart meters) were to be deployed between 2017 and 2019. On September 3, 2015, the Commission entered its Opinion and Order approving the new Smart Meter Plan, as modified, finding that unlike the Company's existing PLC meters, the new RF Mesh meters met the requirements of Act 129 and the Commission's *Smart Meter Implementation Order*. *See 2015 Smart Meter Order.*

Here, the Complainant is challenging PPL Electric's replacement of his PLC meter with the new RF Mesh meter. As explained previously, PPL Electric was required to install the new RF Mesh meter on the Complainant's residence per the requirements of Act 129 and the Commission's orders.

In addition, nothing in the Public Utility Code, the Commission's orders and regulations, or PPL Electric's Smart Meter Plan states that a customer can opt-out of a smart meter installation. *See Starr v. PECO Energy Co.*, Docket No. C-2015-2516061, p. 11 (Order entered Sept. 1, 2016) (footnote omitted) ("[The Commission] rejected similar claims that the installation of smart meters is not mandatory or that an opt-out is permissible under Act 129 and [the Commission's] Orders pertaining to implementation of the statute"); *Frappouch v. PECO Energy Co.*, Docket No. C-2015-2474602, pp. 8-10 (Order entered May 3, 2018); *Povacz v. PECO Energy Co.*, Docket No. C-2015-2475023, p. 93 (Order entered Mar. 28, 2019); *Sunstein Murphy v. PECO Energy Co.*, Docket No. C-2015-2475726, p. 93 (Order entered May

9, 2019); *Randall & Albrecht v. PECO Energy Co.*, Docket No. C-2016-2537666, p. 88 (Order entered May 9, 2019); *Hoffman-Lorah v. PPL Electric Utilities Corp.*, Docket No. C-2018-2644957, p. 43 (Order entered May 23, 2019) (holding that PPL Electric is required to install the new AMI meters for its customers).

No "Sworn Statement"
thus false

5. Denied. The averments contained in Paragraph 5 of the Complaint are requests for relief to which no responsive pleading is required. To the extent a response is deemed necessary, PPL Electric denies that the Complainant is entitled to the relief requested.

By way of further response, PPL Electric incorporates Paragraphs 2 through 4, *supra*, as though fully set forth herein.

Return/Refused for "cause"
Incomplete Presentation

6. Paragraph 6 of the Complaint relates to Protection from Abuse orders, to which no responsive pleading is required.

7. Admitted. By way of further response, PPL Electric has attempted to be responsive to all contacts and communications from the Complainant and has treated the Complainant in the same respectful and fair manner that it treats all other customers.

8. Paragraph 8 of the Complaint pertains to the Complainant's legal representation, to which no responsive pleading is required.

9. Paragraph 9 sets forth the verification and signature, to which no responsive pleading is required.

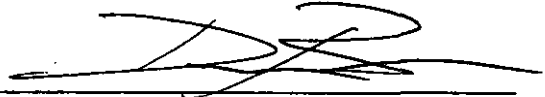
10. Paragraph 10 sets forth the instructions for filing the Complaint, to which no responsive pleading is required.

No "Sworn Statement"
thus false

Return/Refused for "cause"
Incomplete Presentation

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Complaint of Mark Pauli Kleeman be denied in its entirety and with prejudice as against PPL Electric Utilities Corporation.

Respectfully submitted,



Kimberly A. Klock (ID # 3189716)
Michael J. Shafer (ID # 205681)
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18101
Phone: 610-774-2599
Fax: 610-774-4102
E-mail: kklock@pplweb.com
mjshafer@pplweb.com

Devin T. Ryan (ID # 316602)
Garrett P. Lent (ID # 321566)
Lindsay A. Berkstresser (ID # 318370)
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
glent@postschell.com
lberkstresser@postschell.com

Curtis S. Renner (ID # 326488)
Watson & Renner
1901 Pennsylvania Avenue, NW
Suite 1005 - ENS
Washington, DC 20006
Phone: 202-737-6302
E-mail: crenner@w-r.com

Date: July 25, 2019

Attorneys for PPL Electric Utilities Corporation

VERIFICATION

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF LEHIGH

I, Philip J. Walnock, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities)


PHILIP J. WALNOCK

**Return/Refused for "cause"
"Incomplete Presentment"**

**No "Sworn Statement"
thus false**

**Return/Refused for "cause"
"Incomplete Presentment"**

**No "Sworn Statement"
thus false**

**Return/Refused for "cause"
"Incomplete Presentment"**

**No "Sworn Statement"
thus false**

**Return/Refused for "cause"
"Incomplete Presentment"**

**No "Sworn Statement"
thus false**

**Return/Refused for "cause"
"Incomplete Presentment"**

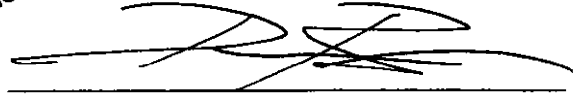
CERTIFICATE OF SERVICE

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).

E-MAIL & FIRST CLASS MAIL

Mark Pauli Kleeman
203 W. 3rd Street
Nescopeck, PA 18635
Email: Onemorerep_61060@yahoo.com

Date: July 25, 2019



Devin T. Ryan

**"Sworn Statement"
Not true & false**

**Return/Refused for "cause"
"Incomplete Presentment"**

Clairmont & Law
Kleeman

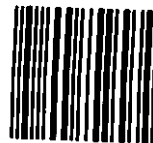
From:

C/O 203 W 3rd St
Nescopeck Pennsylvania

(Within the UNITED STATES)



1000



17105

U.S. POSTAGE PAID
FCM LETTER
LEHIGHTON, PA
18235
JUL 30, 19
AMOUNT

\$0.70

R2307N153411-5

RECEIVED

2009 AUG - 1 AM 9:54

PA PUC
SECRETARY'S BUREAU



Post

Document Mailer

To:

Roamany Chivetta, Secretary

P.U.C Keystone BUREAU

400 North St 2nd Floor

PO Box 3265

Hbg, Pa

17105-3265

171053265 8099

