

September 6, 2019

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
2nd Floor, Room-N201
Harrisburg, PA 17120

RE: Jeffrey W. Arndt v. Duquesne Light Company
Docket No. C-2018-3003482

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Motion to Compel Discovery Responses. A copy of this document has been served upon Complainant in accordance with Commission regulations.

Sincerely,



Jeremy V. Farrell
Attorney for Duquesne Light Company

Paul Shane Miller
Attorney for Duquesne Light Company

JVF/sls
Enclosure

cc: Jeffrey Arndt (with enclosure)
ALJ Jeffrey Watson (with enclosure)

TADMS:5195793-1 014657-158498

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JEFFREY W. ARNDT,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: C-2018-3003482
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

MOTION TO COMPEL DISCOVERY RESPONSES

Pursuant to 52 Pa. Code. § 5.342, Duquesne Light Company (“Duquesne Light” or “the Company”) files this Motion to Compel Discovery Responses (“Motion to Compel”):

I. Introduction

1. Duquesne Light seeks an order requiring Complainant, Jeffrey W. Arndt (“Complainant”), to provide complete responses to six discovery requests served by the Company almost a year ago. See First Set of Discovery Requests Directed to Complainant (attached as Exhibit A).¹ These six requests ask Complainant, in sum, to identify all medical conditions that he contends make him and his wife vulnerable to, or that would be aggravated by, proximity to Duquesne Light’s smart meter. They also request that Complainant produce all documents (including hospital and medical records or studies) relating to those medical conditions.²

¹ In its exhibits, Duquesne Light only attached the discovery requests that are at issue in this motion, as well as Complainant’s responses to those requests.

² Although the Complaint and Amended Complaint list Jeffrey W. Arndt as the sole complainant, he asserts in both pleadings that the installation of Duquesne Light’s smart meter will also harm his wife. See Complaint, ¶ 4 (“I am concerned that [Duquesne Light’s smart meter] may cause an adverse effect on my health and my wife and future children.”); Amended Complaint, ¶ 5 (“I wish to be protected from

2. Complainant did not directly respond to these six discovery requests and refused to produce any responsive documents. Instead, he repeatedly claimed that he need not identify any relevant medical conditions or produce the requested documents because Duquesne Light has not installed a smart meter at his property, and he and his wife thus have not received any medical treatment relating to a smart meter.

3. As stated in more detail below, Complainant's argument should be rejected. In these six requests, Duquesne Light is not seeking information about whether Complainant or his wife previously received medical treatment relating to a smart meter. Instead, Duquesne Light is seeking to identify all medical conditions that Complainant claims make him or his wife vulnerable to, or that would be aggravated by, proximity to Duquesne Light's smart meter *once it is installed at Complainant's residence*. In his pleadings, Complainant claims that he and his wife will be harmed by Duquesne Light's smart meter once it is installed. Duquesne Light has the right to understand the basis for his claim.

II. Relevant Factual Background

4. Complainant filed a Formal Complaint against Duquesne Light to prevent the Company from installing a smart meter at his residence at 4141 Fundistown Road, Trafford, PA 15085 ("Property"). Complaint at ¶¶ 4-5; Amended Complaint at ¶¶ 4-5.

5. On September 17, 2018, Duquesne Light served its First Set of Discovery Requests Directed to Complainant ("Duquesne Light's Discovery Requests"). See Duquesne Light Company's Certificate of Service dated September 17, 2018; see also Exhibit A.

6. On October 31, 2018, Complainant served Duquesne Light with Responses to First Set of Discovery Requests of Duquesne Light Company ("Complainant's Discovery damage to my rights and my wife's rights..."). Duquesne Light thus requested certain information in discovery relating to Complainant's claims about his wife's health.

Responses”). See Responses to First Set of Discovery Requests of Duquesne Light Company (attached as Exhibit B).

7. In Complainant’s Discovery Responses, he failed to provide complete responses to Duquesne Light’s Discovery Requests #20, #21, #22, #23, #24, and #25. See Exhibit B.

8. Some of these requests sought hospital or medical records, and Complainant stated, among other things, that he would not provide the requested records until the parties entered into a confidentiality agreement.

9. On November 28, 2018, Duquesne Light sent a Confidentiality Agreement to Complainant and asked him to sign it.

10. Complainant did not sign the Confidentiality Agreement, or otherwise respond to Duquesne Light.

11. On February 7, 2019, Duquesne Light resent the Confidentiality Agreement to Complainant and again asked him to sign it. Duquesne Light also informed Complainant that if he failed to provide complete responses to Duquesne Light’s Discovery Requests, it would seek relief from the Presiding Administrative Law Judge (“Presiding ALJ”).

12. On February 14, 2019, Complainant served Duquesne Light with Supplemental Responses to Interrogatories to Duquesne Light’s First Set of Discovery Requests (“Complainant’s First Supplemental Discovery Responses”). See Supplemental Responses to Interrogatories to Duquesne Light’s First Set of Discovery Requests (attached as Exhibit C).

13. In Complainant’s First Supplemental Discovery Responses, he again failed to provide complete responses to Duquesne Light’s Discovery Requests #20, #21, #22, #23, #24, and #25. See Exhibit C.

14. On February 25, 2019, Duquesne Light notified Complainant that his First Supplemental Discovery Responses failed to provide complete responses to Duquesne Light's Discovery Requests. Duquesne Light stated it would seek relief from the Presiding ALJ if Complainant failed to provide complete responses by March 1, 2019.

15. On March 1, 2019, Complainant served Duquesne Light with Supplemental Responses to Interrogatories to Duquesne Light's First Set of Discovery Requests ("Complainant's Second Supplemental Discovery Responses"). See Supplemental Responses to Interrogatories to Duquesne Light's First Set of Discovery Requests (attached as Exhibit D).

16. Complainant's Second Supplemental Discovery Responses again failed to provide complete responses to Duquesne Light's Discovery Requests #20, #21, #22, #23, #24, and #25. See Exhibit D.

17. On August 22, 2019, Duquesne Light notified Complainant that his Second Supplemental Discovery Responses failed to provide complete responses to Duquesne Light's Discovery Requests. Duquesne Light stated it would seek relief from the Presiding ALJ if Complainant failed to provide complete responses by August 26, 2019.

18. On August 25, 2019, Complainant served Duquesne Light with Supplemental Responses to Duquesne Light's First Set of Discovery Requests ("Complainant's Third Supplemental Discovery Responses"). See Supplemental Responses to Duquesne Light's First Set of Discovery Requests (attached as Exhibit E).

19. Complainant's Third Supplemental Discovery Responses again failed to provide complete responses to Duquesne Light's Discovery Requests #20, #21, #22, #23, #24, and #25. See Exhibit E.

20. For the reasons set forth below, Duquesne Light respectfully requests that Complainant be ordered to provide complete responses to Duquesne Light's Discovery Requests #20, #21, #22, #23, #24, and #25.

III. Argument

21. Under 52 Pa. Code § 5.341(a), a party may serve upon another party written interrogatories to be answered by the party served.

22. Under 52 Pa. Code § 5.349, a party may serve on another party a request to produce documents.

23. A party may obtain discovery about any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition, and location of any documents. 52 Pa. Code § 5.321(d).

Duquesne Light's Discovery Requests #20-22

24. Duquesne Light's Discovery Request #20 contains the following request: "Identify all medical conditions that You contend make You vulnerable to, or that would be aggravated by, proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter."

25. Duquesne Light's Discovery Request #21 contains the following request: "Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating that You suffer from the medical condition(s) identified in Your response to Discovery Request No. 20."

26. Duquesne Light's Discovery Request #22 contains the following request: "Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating the relationship between the medical condition(s) identified in Your response to Discovery Request No. 20 and Your proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter."

27. In his responses to these requests, Complainant stated, in sum, that he is "a living human being" and that he has no health or medical records relating to adverse effects from a smart meter *because a smart meter has not been installed at the Property yet*. See Exhibits B, C, D, and E.

28. Complainant's responses are deficient. In Discovery Requests #20-22, Duquesne Light is not asking whether Complainant previously received medical treatment due to the installation of a smart meter. Duquesne Light is well aware that a smart meter has not yet been installed at the Property. Rather, in Discovery Request #20, Duquesne Light is asking whether Complainant has any medical conditions that he contends make him vulnerable to, or that would be aggravated by, proximity to Duquesne Light's smart meter *should one be installed*. Then, if Complainant identifies any such medical conditions, Discovery Requests #21 and #22 ask him to produce all documents demonstrating that he has those medical conditions and that they are related to being in proximity to a smart meter. Duquesne Light issued identical discovery requests in a similar case, and the Presiding ALJ ruled that the complainant in that case must provide complete responses to these requests. See Miranda Edwards v. Duquesne Light Company, Docket No. C-2018-3002741 (Pa. P.U.C. Jan. 28, 2019) (Watson, ALJ) (ordering complainant to respond to Duquesne Light's requests that she identify all medical conditions that make her vulnerable to, or that would be aggravated by, proximity to Duquesne Light's smart meter and to produce all responsive documents). As in Edwards, Duquesne Light is entitled to a direct response to Discovery Requests #20-22 because Complainant placed his

health at issue by averring that the installation of Duquesne Light's smart meter at the Property will cause him to suffer harm. Duquesne Light has a right to know the basis for his claim. If Complainant has no specific medical condition(s) that makes him vulnerable to, or that would be aggravated by proximity to Duquesne Light's smart meter or if he has no responsive documents, he must affirmatively say so.

Duquesne Light's Discovery Request #23-25

29. Duquesne Light's Discovery Request #23 contains the following question: "Identify all medical conditions that You contend make Your wife vulnerable to, or that would be aggravated by, proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter."

30. Duquesne Light's Discovery Request #24 contains the following request: "Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating that Your wife suffers from the medical condition(s) identified in Your response to Discovery Request No. 23."

31. Duquesne Light's Discovery Request #25 contains the following request: "Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating the relationship between the medical condition(s) identified in Your response to Discovery Request No. 23 and Your wife's proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter."

32. In Complainant's responses to these requests, he stated, in sum, "My wife is a living human being" and that she has no health or medical records relating to adverse effects from a smart meter because a smart meter has not been installed at the Property yet. See Exhibits B, C, D, and E.

33. Complainant's response is deficient. In Discovery Requests #23-25, Duquesne Light is not asking whether Complainant's wife previously received medical treatment from the installation of a smart meter. Rather, in Discovery Request #23, Duquesne Light is asking whether Complainant's wife has any medical condition(s) that he believes make her vulnerable to, or that would be aggravated by, the installation of a smart meter at the Property *should one be installed*. Then, if Complainant identifies any such medical conditions, Discovery Requests #24 and #25 ask him to produce all documents to prove the existence of those medical conditions and to establish that they are related to being in proximity with a smart meter. Duquesne Light issued identical discovery requests in a similar case, and the Presiding ALJ ruled that the complainant in that case must provide a complete response to the requests. See Miranda Edwards v. Duquesne Light Company, Docket No. C-2018-3002741 (Pa. P.U.C. Jan. 28, 2019) (Watson, ALJ) (ordering complainant to respond to Duquesne Light's request that she identify all medical conditions that make her vulnerable to, or that would be aggravated by, proximity to Duquesne Light's smart meter and to produce the requested documents). As in Edwards, Duquesne Light is entitled to a direct response to these requests because Complainant placed his wife's health at issue by claiming that the installation of Duquesne Light's smart meter at the Property will cause her to suffer harm. Duquesne Light has a right to know the basis for this claim. If Complainant contends that his wife has no such medical conditions or that no responsive documents exist, he must affirmatively say so.

WHEREFORE, Duquesne Light Company respectfully requests that the Presiding ALJ grant its Motion to Compel Discovery Responses and require Complainant, Jeffrey W. Arndt, to provide complete answers to Discovery Request #20, #21, #22, #23, #24, and #25.

Respectfully submitted,

TUCKER ARENSBERG, P.C.



Jeremy V. Farrell, Esquire
PA I.D. No.316258
(412) 594-3938

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(412) 594-5503

1500 One PPG Place
Pittsburgh, PA 15222
Counsel for Respondent,
Duquesne Light Company

TADMS:5195793-1 014657-158498

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JEFFREY W. ARNDT,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2018-3003482

**FIRST SET OF DISCOVERY REQUESTS
DIRECTED TO COMPLAINANT**

Filed on behalf of Respondent
Duquesne Light Company

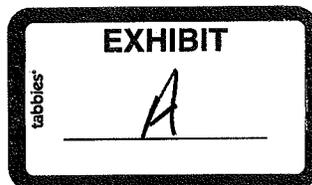
Counsel of Record for this Party:

Jeremy V. Farrell, Esquire
PA I.D. No.316258
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Paul Shane Miller, Esquire
PA I.D. No. 319174
(412) 594-5503

1500 One PPG Place
Pittsburgh, PA 15222
Counsel for Respondent

TADMS:1004373-1 014657-158498



18. Produce all Documents that relate to Your response to the preceding request.

ANSWER:

19. Are You a certified electrician? If so, state the date of certification.

ANSWER:

20. Identify all medical conditions that You contend make You vulnerable to, or that would be aggravated by, proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

21. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating that You suffer from the medical condition(s) identified in Your response to Discovery Request No. 20.

ANSWER:

22. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating the relationship between the medical condition(s) identified in Your response to Discovery Request No. 20 and Your proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

23. Identify all medical conditions that You contend make Your wife vulnerable to, or that would be aggravated by, proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

24. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating that Your wife suffers from the medical condition(s) identified in Your response to Discovery Request No. 23.

ANSWER:

25. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating the relationship between the medical condition(s) identified in Your response to Discovery Request No. 23 and Your wife's proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

26. To the extent not previously requested or produced, produce all Documents that You intend to offer into evidence at any hearing in this matter.

ANSWER:

Jeffrey W. Arndt
4141 Fundistown Road
Trafford, PA 15085

October 31th, 2018

VIA ELECTRONIC FILING

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

RE: Jeffrey W. Arndt v. Duquesne Light Company
Docket No. C-2018-3003482

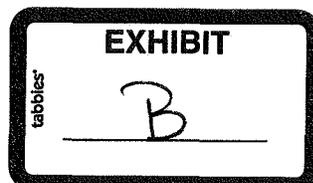
Dear Secretary Chiavetta:

Enclosed for filing is my written response to Duquesne Light's First Set of Discovery Requests in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully Submitted,



Jeffrey W. Arndt



Arndt Responses
10/31/18

facts that support my claim. I will list a few of the reasons I believe the installation of a smart meter will negatively affect my health if installed on my home:

- In May 2011, the World Health Organization (WHO), the International Agency for Research on Cancer, classified radiofrequency EMF sent and received by smart meters as a class 2B carcinogen, meaning it is possibly carcinogenic to humans.
- In 2010 in California, over 8,000 people had filed health complaints with the state Public Utility Commission (CPUC) due to smart meters. The Commission has received more than 8,000 complaints about [JUST] PG&E Smart Meters. Statewide, the Commission has received more than 2,000 complaints during two months (August 15 - October 15, 2010). Many of the complaints include health, safety and environmental concerns (Sandi Maurer, EMF Safety Network).
- Rf radiation is so potent that it has been developed by the military for use in warfare to harass, harm, or to potentially kill human beings. Rf radiation is exactly what smart meters produce.
- According to the Swedish government, Electro sensitives alone are approx. 35% of the population, with up to 3.1% in the severe range.
- The U.S. National Toxicology Program study results found that exposure to wireless radiation significantly increased the prevalence of highly malignant heart and brain cancers in rodents. This is alarming since Smart Meters run on the same microwave frequencies as cell phones, cell towers and Wi-Fi.
- The NTP study was recently released https://ntp.niehs.nih.gov/ntp/about_ntp/trpanel/2018/march/actions20180328_508.pdf and concluded "clear evidence of carcinogenic activity".
- The American Academy of Pediatrics, which includes over 60,000 pediatricians, has issued specific recommendations to reduce wireless cell phone exposure. They have updated their online resources for parents concerning cell phones and wireless devices. "The findings of brain tumors (gliomas) and malignant schwann cell tumors of the heart in the NTP study, as well as DNA damage in brain cells, present a major public health concern because these occurred in the same types of cells that have been reported to develop into tumors in epidemiological studies of adult cell phone users," stated Ronald L. Melnick, PhD, the National Institutes of Health toxicologist who lead the NTP study design and senior advisor to the Environmental Health Trust.

Duquesne Light to Complainant-

2. Produce all Documents, including but not limited to hospital and/or medical records and studies, that relate to Your answer to Discovery Request No. 1.

ANSWER:

See attached confidentiality agreement which must be properly executed before any records can be obtained.

Duquesne Light to Complainant-

3. State all facts that support Your claim that Duquesne Light's installation of a Smart Meter at the Property will negatively affect Your wife's health.

ANSWER:

- My wife's health could be negatively affected by the smart meter is answered in the answer to number 1.
- My wife's health could also be negatively affected by the smart meter because she has a metal implant in her mouth. Research shows the presence of metal in or near the body can significantly increase a person's wireless exposure. Metal can reflect and refocus wireless radiation, this will result in much higher SAR absorption rates into the body. The FCC, states, "Electrically conductive objects in or on the body may interact with sources of RF energy in ways that are not easily predicted. Examples of conductive objects in the body include braces, orthodontics and implanted metallic objects."
- Published research shows that eyeglasses with metal frames and metal jewelry can affect the SAR levels. For example, a study by pubmd.gov can be found at: ncbi.nlm.nih.gov/pubmed/7748204 found the SAR measured in the eye closest to the phone increased up to almost 30% when metal glasses were a part of the calculation. Similarly, publications have reported that the peak SAR can be up to 25% higher when a 900 MHz phone is pressed up to an ear pierced with a metallic object such as an earring. Another study looked at the SARs into the leg and reproductive organs when a cell phone was placed in a pocket alongside a keychain with a metal ring and found that the presence of a metallic ring significantly increases the averaged 10g SAR inside the testicle by more than 20% at 1.8 GHz. Metallic implants inside the body have been found to increase the SAR levels in several studies. Increased SAR levels in the brain from implanted metal is a serious concern that regulatory agencies have not addressed.

Duquesne Light to Complainant-

4. Produce all Documents, including but not limited to hospital and/or medical records and studies, that relate to Your answer to Discovery Request No. 3.

ANSWER:

See answer to number 17.

Duquesne Light to Complainant-

19. Are You a certified electrician? If so, state the date of certification.

ANSWER:

No, I am not a certified electrician. I would like to state the employees that are switching out the smart meters are not licensed electricians either.

Duquesne Light to Complainant-

20. Identify all medical conditions that You contend make You vulnerable to, or that would be aggravated by, proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

See answer to number 2.

Duquesne Light to Complainant-

21. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating that You suffer from the medical condition(s) identified in Your response to Discovery Request No. 20.

ANSWER:

See answer to number 2 and number 20.

Duquesne Light to Complainant-

22. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating the relationship between the medical condition(s) identified in Your response to Discovery Request No. 20 and Your proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

See answer to number 2 and 20.

Duquesne Light to Complainant-

23. Identify all medical conditions that You contend make Your wife vulnerable to, or that would be aggravated by, proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

See answer to number 2 and number 20.

Duquesne Light to Complainant-

24. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating that Your wife suffers from the medical condition(s) identified in Your response to Discovery Request No. 23.

ANSWER:

See answer to number 2 and number 20.

Duquesne Light to Complainant-

25. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating the relationship between the medical condition(s) identified in Your response to Discovery Request No. 23 and Your wife's proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

See answer to number 2 and number 20.

Duquesne Light to Complainant-

26. To the extent not previously requested or produced, produce all Documents that You intend to offer into evidence at any hearing in this matter.

ANSWER:

Not fully prepared yet. I'm still working on this, here are a couple of topics I can offer now:

- Refer to Complainant's **Exhibit A**. Duquesne Light was threatening shut off to my electricity because I do not consent to the smart meter. To administer the consequence of removal of electric supply is unreasonable. There was never any mention of this in any legislation regarding the smart meter. This is a morphing of the original intention of the law and it can be categorized as

Jeffrey W. Arndt
4141 Fundistown Road
Trafford, PA 15085

February 14th, 2019

VIA ELECTRONIC FILING and First Class Mail

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

RE: Jeffrey W. Arndt v. Duquesne Light Company
Docket No. C-2018-3003482

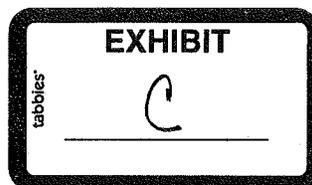
Dear Secretary Chiavetta:

Please E-File this letter and Certificate of Service in the above referenced docket number noting that the Supplemental Responses to Interrogatories to Duquesne Light's First Set of Discovery Requests in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully Submitted,



Jeffrey W. Arndt



information to submit and will send as soon as information becomes available. In the meantime, I will provide studies below.

- In May 2011, the World Health Organization (WHO), the International Agency for Research on Cancer, classified radiofrequency EMF sent and received by smart meters as a class 2B carcinogen, meaning it is possibly carcinogenic to humans.
- In 2010 in California, over 8,000 people had filed health complaints with the state Public Utility Commission (CPUC) due to smart meters. The Commission has received more than 8,000 complaints about [JUST] PG&E Smart Meters. Statewide, the Commission has received more than 2,000 complaints during two months (August 15 - October 15, 2010). Many of the complaints include health, safety and environmental concerns (Sandi Maurer, EMF Safety Network).
- Rf radiation is so potent that it has been developed by the military for use in warfare to harass, harm, or to potentially kill human beings. Rf radiation is exactly what smart meters produce.
- According to the Swedish government, Electro sensitives alone are approx. 35% of the population, with up to 3.1% in the severe range.
- The U.S. National Toxicology Program study results found that exposure to wireless radiation significantly increased the prevalence of highly malignant heart and brain cancers in rodents. This is alarming since Smart Meters run on the same microwave frequencies as cell phones, cell towers and Wi-Fi.
- The NTP study was recently released https://ntp.niehs.nih.gov/ntp/about_ntp/trpanel/2018/march/actions20180328_508.pdf and concluded "clear evidence of carcinogenic activity".
- The American Academy of Pediatrics, which includes over 60,000 pediatricians, has issued specific recommendations to reduce wireless cell phone exposure. They have updated their online resources for parents concerning cell phones and wireless devices. "The findings of brain tumors (gliomas) and malignant schwann cell tumors of the heart in the NTP study, as well as DNA damage in brain cells, present a major public health concern because these occurred in the same types of cells that have been reported to develop into tumors in epidemiological studies of adult cell phone users," stated Ronald L. Melnick, PhD, the National Institutes of Health toxicologist who lead the NTP study design and senior advisor to the Environmental Health Trust.

Duquesne Light to Complainant-

20. Identify all medical conditions that You contend make You vulnerable to, or that would be aggravated by, proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

See answer to number 2.

Duquesne Light to Complainant-

21. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating that You suffer from the medical condition(s) identified in Your response to Discovery Request No. 20.

ANSWER:

See answer to number 2 and number 20.

Duquesne Light to Complainant-

22. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating the relationship between the medical condition(s) identified in Your response to Discovery Request No. 20 and Your proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

See answer to number 2 and 20.

Duquesne Light to Complainant-

23. Identify all medical conditions that You contend make Your wife vulnerable to, or that would be aggravated by, proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

See answer to number 3.

Duquesne Light to Complainant-

24. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating that Your wife suffers from the medical condition(s) identified in Your response to Discovery Request No. 23.

ANSWER:

See answer to number 3.

Duquesne Light to Complainant-

25. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating the relationship between the medical condition(s) identified in Your response to Discovery Request No. 23 and Your wife's proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

See answer to number 3 and number 14.

Duquesne Light to Complainant-

27. State the full name, address, and telephone number of each person who You expect to call to testify at any hearing of this matter.

ANSWER:

At this time I have not confirmed our witnesses, as it is still premature in my active case. I had asked for an extension of time for 60 days and was denied that, therefore, I am still working on getting witnesses. But I reserve the right to supplement this answer as more information becomes available to me.

Duquesne Light to Complainant-

28. State the full name, address, and telephone number of each person who You expect to call to testify as an expert witness at any hearing of this matter and, for each expert witness, state:

- a. The subject matter on which the expert is expected to testify;
- b. The substance of the facts and opinions to which the expert is expected to testify;
and
- c. A summary of the grounds for each expert opinion.

ANSWER:

See answer to number 27.

Duquesne Light to Complainant-

Jeffrey W. Arndt
4141 Fundistown Road
Trafford, PA 15085

March 1st, 2019

VIA ELECTRONIC FILING and First Class Mail

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

RE: Jeffrey W. Arndt v. Duquesne Light Company
Docket No. C-2018-3003482

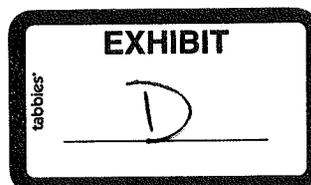
Dear Secretary Chiavetta:

Please E-File this letter and Certificate of Service in the above referenced docket number noting that the Supplemental Responses to Interrogatories to Duquesne Light's First Set of Discovery Requests in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully Submitted,



Jeffrey W. Arndt



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JEFFREY W. ARNDT,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: C-2018-3003482
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

**Supplemental Responses to Interrogatories to Duquesne Light's First Set of
Discovery Requests**

Duquesne Light to Complainant-

2. Produce all Documents, including but not limited to hospital and/or medical records and studies that relate to Your answer to Discovery Request No. 1.

Answer:

I have no objection to keeping any confidential information that Duquesne Light supplies to me confidential, but I have no intention of asking any confidential information of Duquesne Light, anyway. As I have stated in my answer to Duquesne Light's supplemental interrogatories, my wife and I have not visited a doctor due to adverse reactions from the installation of a smart meter since we do not have a smart meter installed at our home. Therefore, I cannot supply health records of information pertaining to adverse health effects from a smart meter that I do not have since there are none. You are asking me to produce such content that does not exist, if you know how to do that, please let me know. It seems to me that you are trying to make me send you information that I do not have. I have as much rights as you and the team of lawyers in your firm and should not have to send you our medical records based on whatever argument you are trying to make.

Respondent is implying that a person has to have a medical condition in order to be affected by the electromagnetic radiation from a smart meter. It's not necessary to have a particular ailment or set of diagnoses or symptoms to be affected by EMF radiation. The studies that I have presented are not particular to some subset of life. They are particular to life in general and are evidence that any living creature or plant is affected by EMF radiation.

According to Docket No. C-2016-2571726, in Argument II. the complainant Francis Hriadil, had the same stance against smart meters dealing with how they **could** affect his health and he was ordered to release his medical records. "The Presiding ALJ has ruled that the only issue in this case is whether Duquesne Light has violated the code (which requires Duquesne Light to install a smart meter at Complainants' residence), the associated regulations, or the Company's tariff." It goes on to say "The evidence introduced at the hearing should be that which is both reliable and relevant to the issues to be decided." Therefore, my wife's medical records and my medical records are not needed as previously determined by the presiding ALJ, who is indeed the same ALJ for complainant's case. If Respondent believes in its own logic, then it has no basis in asking my wife and/or me for our health records, or any other personal information. This information can be found here: <http://www.puc.state.pa.us//pcdocs/1604634.pdf>.

But the supply of medical records is personal, beyond the scope of my complaint and smart meters will cause harm to all pregnant women and their unborn children. The potential effects are well documented in studies which I have already documented in the answer to Duquesne Light's supplemental interrogatories. I will add more studies below to answer your question. Numerous independent studies from irrefutable sources prove the evidence of health effects from smart meters. In my Formal Complaint I sent in, I state "I am concerned it may cause an adverse effect on my health and my wife and future children." Yes, I do believe that my wife and I will suffer negative health effects once a smart meter is installed at our property due to the numerous well documented studies I am listing below. I am not giving up my claim that I believe it will cause health effects to my wife and our unborn children due to the studies I will list below.

According to the study done by the NCBI which can be found here:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5014506/> which goes into great detail explaining the detrimental biological and genetic effects induced by the presence of Electromagnetic waves which would be present with the installation of a smart meter. It states "One of the most important physiological systems involved with electromagnetic fields (EMFs) is the genital system which effects human reproductive organs, female animals, fetus development and the importance of two types of natural antioxidants, i.e., vitamin E and fennel. The studies presented in this review referred to the effects of different exposures to EMFs on the reproductive system, and we tried to show the role of natural antioxidants in reducing the effects of the exposures. Many studies have been done on the effects of ionizing and non-ionizing electromagnetic waves on the cell line of spermatogenesis, sexual hormones, and the structure of the testes. Also, about the hormonal cycle, folliculogenesis and female infertility related to EMF have been given more consideration. In particular, attention is directed to pregnant women due to the importance of their fetuses." The article explains the destructive effects of EMFs on both genders that were studied at different exposures.

Dr. Norma Volkow who is the director of National Institute of Drug Abuse, has released a study finding that exposure to just 50 minutes of cell phone radiation stresses the brain, releasing free radicals and stress proteins that significantly reduce brain function—and may cause tumors. Smart meters expose us to radiation 24/7. No one is on their cell phone 24/7. Smart meter radiation causes the blood-brain barrier to leak, it's implicated in Alzheimer's, dementia, and Parkinson's.

We are aware there are animal studies that failed to find effects on fertility or reproductive function in generations of rats or mice, but point out that these were experiments conducted at very particular frequencies like 1.95 GHz or 2.14 GHz which are completely different from the

frequencies used in the smart meters and cannot be assumed to have the same effect on the body. The strongest effects have been seen when actual cell phones or actual smart meters were used in the studies, and when whole beings, not just cells in a petri dish, were used (in vivo shows more results than in vitro). This tells us that the microwave radiation from the smart meters is interfering with biological processes in the body and that is what gives rise to damage rather than direct damage like you might see with ionizing radiation. Dr. Martin Pall's article (2015) clarifies an important mechanism by which harm is being done because the microwaves are activating voltage-gated calcium channels which has a lot of "downstream" repercussions in the body including damage to DNA.

Studies conducted by Om. P. Gandhi of the University of Utah demonstrated that when it comes to electromagnetic fields, children's thinner skulls and bones allow them to absorb twice the amount of radiation as grownups. Radiation can more deeply penetrate their brain tissue which is more conductive than an adult's because it contains a higher concentration of fluids and ions. One study found that a cell phone call lasting only two minutes causes brain hyperactivity that persists for an hour in children.

American Academy of Pediatrics considers children more vulnerable to radiofrequency radiation- whatever the source. Research consistently finds that radiofrequency radiation penetrates deeper into children's bodies and brains. Research that has looked specifically at smart meters has found that the radiation is absorbed at a faster rate and more intensely into their bodies. (Qureshi 2018) which concludes that the highest observed whole body specific energy absorption rate value was in the child model when radiation from a smart meter was simulated.

According to the statement from William Bathgate. "Bio initiative 2012 is a 1479 page report by 29 doctors and scientists from 10 countries that cites almost 2,000 research studies on the biological effects of electromagnetic field (EMFs) and radio frequency radiation. The authors' state: "Bio effects can occur from just minutes of exposure to mobile phones, cell towers, WIFI and wireless utility 'smart' meters that produce whole-body exposure." EMF has cumulative effects. Alarming and sometimes exponentially increased cancer rates have directly paralleled increased use of wireless technologies: www.BioInitiative.org."

The US Naval Medical Research Institute (NMRI) referenced 2,300 research articles listing in excess of 120 illnesses attributed to radio frequency and non-ionizing microwave radiation. Biography of Reported Biological Phenomena ('Effect') and Clinical Manifestations Attributed to Microwave and Radio-Frequency Radiation, Research Report. MF12.524.015-0004B, Report No. 2. NMRI, National Naval Medical Centre (1971). Under the Freedom of Information Act, extracts from published US Defense Intelligence Agency Documents confirmed the NMRI research and stated: 'If the more advanced nations of the West are strict in enforcement of stringent exposure standards, there could be unfavorable effects on industrial output and military functions.

I am providing this answer again to fully demonstrate the severity of the meters since they are constantly pulsing and are the smart meters being forcibly mandated by Duquesne Light. In referencing the highly qualified aerospace engineer Francis Hriadil's New Matter, in the PUC filing docket number: C-2016-2571726 dated January 24, 2017, he explains in excellent detail the pulsing of the smart meter. It is important to note that ITRON is the manufacturer of the SK9AMI7 Openway Centron smart meter being deployed by the respondent Duquesne Light.

According to California PUC ALJ Judge Amy C. Yip-Kikugawa, who compelled PG&E (California EDC) and Itron (the smart meter manufacturer) to provide this true data, it was revealed that, "The statement that "the Company's smart meters...transmit RF waves for only short periods every day" is also disingenuous and blatantly untrue. The SK9AMI7 Smart Meter, in fact pulse radiates high intensity RF waves 100s to 1000s of times a day to communicate with the other Smart Meters in the Smart Grid, and/or with the Cell Relay." Including all the information I have presented to you, it would be negligent on Duquesne Light's part to have all these studies presented to them and still mandate the installation of smart meters on their customers' homes. Complainant reserves the right to supplement this response as information becomes available.

Duquesne Light to Complainant-

4. Produce all Documents, including but not limited to hospital and/or medical records and studies that relate to Your answer to Discovery Request No. 3.

ANSWER:

See answer to number 2.

Duquesne Light to Complainant-

20. Identify all medical conditions that You contend make You vulnerable to, or that would be aggravated by, proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

I am a living human being. See answer to number 2.

Duquesne Light to Complainant-

21. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating that You suffer from the medical condition(s) identified in Your response to Discovery Request No. 20.

ANSWER:

See answer to number 2.

Duquesne Light to Complainant-

22. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating the relationship between the medical condition(s) identified in Your response to Discovery Request No. 20 and Your proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

See answer to number 2.

Duquesne Light to Complainant-

23. Identify all medical conditions that You contend make Your wife vulnerable to, or that would be aggravated by, proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

My wife is a living human being. See answer to number 2.

Duquesne Light to Complainant-

24. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating that Your wife suffers from the medical condition(s) identified in Your response to Discovery Request No. 23.

ANSWER:

See answer to number 2.

Duquesne Light to Complainant-

25. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating the relationship between the medical condition(s) identified in Your response to Discovery Request No. 23 and Your wife's proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

See answer to number 2.

Jeffrey W. Arndt
4141 Fundistown Road
Trafford, PA 15085

August 25th, 2019

Via Electronic Filing and First Class Mail

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

RE: Jeffrey W. Arndt v. Duquesne Light Company
Docket No. C-2018-3003482

Dear Secretary Chiavetta:

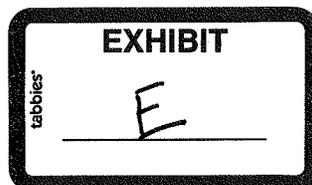
Please E-File this letter and Certificate of Service in the above referenced docket number noting that the Supplemental Responses to Duquesne Light's First Set of Discovery Requests in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully Submitted,



Jeffrey W. Arndt

Enclosure



C: Jeremy Farrell and Paul Shane Miller (with enclosure)
ALJ Jeffrey Watson (with enclosure)

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JEFFREY W. ARNDT,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2018-3003482

Supplemental Responses to Duquesne Light's First Set of Discovery Requests

Duquesne Light to Complainant-

2. Produce all Documents, including but not limited to hospital and/or medical records and studies, that relate to Your answer to Discovery Request No. 1.

ANSWER:

I do not have records responsive to your request, simply because they do not exist. As I have stated numerous times before, I am not claiming health conditions from the installation of a smart meter, nor have I visited a doctor due to adverse reactions from the installation of a smart meter since we do **not** have a smart meter. The Formal Complaint I sent in states "I am concerned it **may** cause an adverse effect on my health and my wife and future children." Smart meters are not healthy for anyone, regardless of their medical conditions or health. Since I am not claiming health conditions from a smart meter, I do not have to supply any medical records. Furthermore, the apprehension of harm is sufficient to define assault, and that my perception that smart meters will cause harm is based on a plethora of studies which demonstrate this. Medical records, the present state of my health and my wife's health, have NOTHING to do with the questions you are asking. I am happy to admit there are no relevant hospital records or medical conditions regarding my future medical conditions. If the Respondent is implying that I should provide medical records of others who have already been harmed, I cannot at this time under the HIPPA restrictions since I am not able to access the medical records of others who have already been harmed. However, since Respondent is trying to get me to provide medical records of others, they should do their due diligence that they rightfully should have been done by the PUC and the EDCs for them by providing medical records of others. I reserve the right to present any such medical records that turn up in the future.

I request of the PUC and of Duquesne Light any medical records they possess or have access to of any one who claims to have been harmed by EMR.

Duquesne Light to Complainant-

4. Produce all Documents, including but not limited to hospital and/or medical records and studies, that relate to Your answer to Discovery Request No. 3.

ANSWER:

See answer to number 2.

Duquesne Light to Complainant-

20. Identify all medical conditions that You contend make You vulnerable to, or that would be aggravated by, proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

See answer to number 2.

Duquesne Light to Complainant-

21. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating that You suffer from the medical condition(s) identified in Your response to Discovery Request No. 20.

ANSWER:

See answer to number 2 and number 20.

Duquesne Light to Complainant-

22. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating the relationship between the medical condition(s) identified in Your response to Discovery Request No. 20 and Your proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

See answer to number 2 and 20.

Duquesne Light to Complainant-

23. Identify all medical conditions that You contend make Your wife vulnerable to, or that would be aggravated by, proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

There are no records responsive to your request. I am not claiming my wife has any health conditions from the installation of a smart meter, nor has she visited a doctor due to adverse reactions from the installation of a smart meter since we do not have a smart meter. The Formal Complaint I sent in states "I am concerned it may cause an adverse effect on my health and my wife and future children." Smart meters are not healthy for anyone, regardless of their medical conditions or health. Since I am not claiming she has any health conditions from a smart meter, I do not have to supply her medical records.

Duquesne Light to Complainant-

24. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating that Your wife suffers from the medical condition(s) identified in Your response to Discovery Request No. 23.

ANSWER:

See answer to number 23.

Duquesne Light to Complainant-

25. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating the relationship between the medical condition(s) identified in Your response to Discovery Request No. 23 and Your wife's proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

See answer to number 23.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JEFFREY W. ARNDT,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: C-2018-3003482
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Motion to Compel Discovery Responses upon the participant listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

Jeffrey W. Arndt
4141 Fundistown Road
Trafford, PA 15085

Administrative Law Judge Jeffrey Watson
Piatt Place - 301 Fifth Avenue
Suite 220
Pittsburgh, PA 15222
Via Fax - (412) 565-5692
And Regular Mail

Dated this 6th day of September, 2019



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Counsel for Respondent,
Duquesne Light Company