

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BRIAN A HOEFT

v.

METROPOLITAN EDISON COMPANY

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Docket No. C-2019-3011586

PA P.U.C.
SECRETARY'S BUREAU

2019 AUG 23 AH10:45

ANSWER TO RESPONDENT'S PRELIMINARY OBJECTIONS

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

I, BRIAN A HOEFT, file this Answer to the Preliminary Objections of Metropolitan Edison Company ("Met-Ed").

I, am an honest and prudent Citizen of the State of Pennsylvania, operating with my own faculties, but without a formal legal education and without the ability to speak in Legalese.

I, will do my best to address the Objections raised by Met-Ed while honoring and protecting my inherent rights of mankind established at conception and protected by Article 1 § 1 of our Constitution for the Commonwealth of Pennsylvania.

In response to Met-Ed's "Introduction" :

Paragraph 1: Admitted

Paragraph 2: Denied. Met-Ed claims that they are "deploying smart meters in its service territory in accordance with Act 129 of 2008 ("Act 129")." However, there are no provisions in Act 129 providing

the authority to threaten and/or carry out termination of service for refusal of a "smart" meter and/or advanced metering technology. Met-Ed is threatening to terminate service as admitted and evidenced by multiple shut-off notices and therefore, is not operating in accordance with Act 129.

Paragraph 3: Admitted in part and Denied in part. Paragraph 3 makes many statements not easily

distinguishable for point-by-point response.

It is admitted that I contacted Met-Ed on several occasions to seek amicable resolution for refusal of smart meter installation. It is Denied that a smart meter is “required for all customers.”

Paragraph 4: Denied. 52 Pa. Code § 57.251(a) specifically states that it “does not require the public to participate in an advanced metering program.”

Paragraph 5: Denied. I was born with my exemption. Also, as established by the Constitution of the Commonwealth of Pennsylvania Article 1 § 1, Article 1 § 8 as well as Article 10 § 2.

In response to Met-Ed's “Background” :

Paragraph 6: Admitted

Paragraph 7: Admitted in part and Denied in part. It is admitted that I contacted Met-Ed on several occasions to seek amicable resolution for refusal of smart meter installation. It is Denied that a smart meter is “required for all customers.”

Paragraph 8: Admitted

Paragraph 9: Admitted

In response to Met-Ed's “Argument” :

Paragraph 10: Admitted

Paragraph 11: I am not trained at Law and am without sufficient knowledge to admit or deny.

Paragraph 12: I am not trained at Law and am without sufficient knowledge to admit or deny.

Paragraph 13: Denied. There are no provisions in Act 129 providing the authority to threaten and/or carry out termination of service for refusal of a “smart” meter and/or advanced metering technology. Met-Ed is threatening to terminate service as admitted and evidenced by multiple shut-off notices and therefore, is not operating in accordance with Act 129.

Paragraph 14: I am not trained at Law and am without sufficient knowledge to admit or deny.

Paragraph 15: Admitted. However, if Pennsylvania Law was established and ordained by the people of the Commonwealth of Pennsylvania, who in turn comprise the Legislature, then it naturally follows that no commission and/or corporation can “approve” or be “in accordance with” any “plan” which is

in violation to any part of our State Constitution.

Paragraph 16: Denied: No statutory law has been shown. Case law and/or administrative decree is not Law, nor is it Statute.

Paragraph 17: Denied. I have now stated in previous paragraphs the violations of Law in our

Constitution for the Commonwealth of Pennsylvania; Article 1 § 1, Article 1 § 8, Article 10 § 2, as well as

52 Pa Code § 57.251(a).

Paragraph 18: Denied. The stated goal and intent of the legislature upon enactment was/is for these devices to be voluntary. This is clearly stated in the legislative journal regarding Act 129 of 2008.

Particularly on Wednesday October 8th, 2008 page 2626 wherein Senator Tomlinson clearly stated “It is not mandated” . The voluntary intent has been further reinforced by several State Senators and Representatives spoken with by phone over the past several months. Particularly, Senator Scavello, who made it very clear that the current SB791 of 2019 was written to correct a subordinate agency which has mis-interpereted Act 129 and the will of the people.

Paragraph 19: Denied. I am not learned at Law and these elements were not stated to be required on the Complaint form.

Paragraph 20: Admitted. Injustice cannot be legislated out of existence.

Paragraph 21: Admitted in part and Denied in part. Being familiar with many claims of harm, I am refusing a smart meter *before* I become physically damaged, as my conscience requires. Clearly and as admitted through writing by Respondent, there are potential health hazards to avoid, as well as security and privacy concerns.

Paragraph 22: Denied. At no time have I ever refused access to the meter location. In fact, the sign

posted near the meter clearly states "meter reader still welcome" .

Paragraph 23: Denied. If due process still exists, arbitrary and/or capricious standards should not lead to dismissal.

Paragraph 24: Denied. ALJ conclusions are not Law, nor are they statute.

Paragraph 25: Denied. At no time have I ever refused access to the meter location. In fact, the sign posted near the meter clearly states "meter reader still welcome" .

Paragraph 26: Denied. Previous paragraphs in Answer to Respondent's Objections states violations.

WHEREFORE, for the foregoing reasons, I request the the Commission: (1) grant an exemption from the installation of a smart meter; (2) dismiss Respondent's Preliminary Objections. Alternatively, I request this matter be scheduled for oral argument.

Sincerely,



BRIAN A HOEFT

August 21st 2019

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Docket No. C-2019-3011586

CERTIFICATE OF SERVICE

I, BRIAN A HOEFT, hereby certify that on August 21st 2019 I am serving a true copy of my Answers to Respondent's Preliminary Objections upon:

Lauren M. Lepkoski (llepkoski@firstenergycorp.com)
& Tori L. Giesler (tgiesler@firstenergycorp.com)

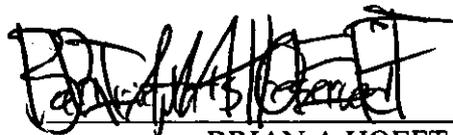
by their listed e-mail addresses as well as first class post mail to:

FirstEnergy Service Company
200 Pottsville Pike
P.O. Box 16001
Reading, Pennsylvania
19612-6001
ATTN: Lauren Lepkoski & Tori Giesler

And,

the Pennsylvania Public Utility Commission by "eFile" as well as first class post mail to:

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



BRIAN A HOEFT

August 21st 2019

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RECEIVED

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LEHIGH VALLEY PA 180

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Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
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ATTN: Rosemary Chiavetta, Secretary

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