

October 15, 2019

Rosemary Chiavetta, Secretary  
Pennsylvania Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
PO Box 3265  
Harrisburg, PA 17105-3265

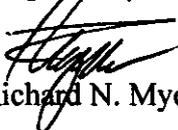
**Re: Richard N. Myers v. PPL Electric Utilities Corporation**  
**Docket No. C-2017-2620710**

Dear Secretary Chiavetta:

Enclosed for filing is my Reply to PPL Electric Utilities Corporation Answers to Supersedeas letter dated September 26, 2019

Copies will be provided as indicated on the Certificate of Service.

Respectfully,

  
Richard N. Myers

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OCT 15 2019  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

OCT 15 2019

Richard Myers

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Complainant

v

PPL Electric Utilities Corporation

Respondent

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Docket No. C-2017-2620710

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**REPLY OF RICHARD N. MYERS TO  
PPL ELECTRIC UTILITIES CORPORATION ANSWERS TO SUPERSEDEAS**

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**TO PENNSYLVANIA PUBLIC UTILITY COMMISSION:**

For reasons stated below the Complainant objects to PPL Electric's request that the Pennsylvania Public Utility Commission (PA PUC) deny his smart meter Petition for Supersedeas.

The Complainant also points out that PPL Electric did not file their Answers to the Complainant's Supersedeas in the required time frame. *52 Pa. Code 5.572 (e) Petitions for Relief* sets dates for submitting answers to Supersedeas reads as follows:

(e) "Answers to a petition covered by subsection (a) shall be filed  
and served within 10 days after service of a petition."<sup>1</sup>

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<sup>1</sup> 5.572 (a) reads as follows: "Petitions for rehearing, reargument, reconsideration, clarification, rescission, amendment, supersedeas or the like must be in writing and specify, in numbered paragraphs, the findings or orders involved, and the points relied upon by petitioner, with appropriate record references and specific requests for the finding or orders desired." (*Complainant's underlining*)

PPL Electric's Answers were filed on September 26, 2019. This was 23 days after the Complainant filed his Supersedeas on September 3, 2019, not 10 days.

The Complainant deems PPL's Answers to be unreasonable in the extreme and/or unfounded. However, in the spirit of full disclosure for both parties the Complainant does not object to PPL Electric's late filing. Rather, the Complainant welcomes the opportunity to rebut the allegations so they become part of the certified record.

**1. Reply to PPL Electric's Answers 7, 9 and 10** which opine that the Complainant fails to meet the standards required for a stay pending an appeal, that his Petition for a stay pending his appeal should be denied, and that he failed to demonstrate a strong likelihood that he will prevail on the merits:

This is FALSE.

The Complainant clearly shows below that he will make a strong showing that satisfies the Pennsylvania Supreme Court's four criteria to be granted a stay, meet any other standards needed, and prevail on the merits.

**2. Reply to PPL Electric's Answer 11** that none of the Complainant's arguments are grounds for appeal:

This is FALSE.

The Complainant submits this is for the PA PUC and Commonwealth Court to decide.

**3. Reply to PPL Electric's Answers 12, 13, 22, 23 and 25** to the effect that smart meter RF radiation does not violate the Complainant's constitutional rights:

This is PATENTLY FALSE.

The overwhelming scientific and empirical evidence the Complainant presented clearly shows that smart meter RF radiation is a physical force that adversely affects the human body and cells. If the

Commission deems smart meter RF radiation does not constitute bodily assault and does not violate the U.S. and Pennsylvania Constitutions, then the Complainant cites *Pa. Title 18 - Crimes and Offenses, Chapter 27, Section 2701* which reads as follows:

**(a) Offense defined. – A person is guilty of assault if he:**

- (1) Attempts to cause or intentionally, knowingly or recklessly causes bodily injury to another. (Complainant's underlining)**

*Section 2702* reads as follows:

**(a) Offense defined. – A person is guilty of aggravated assault if he:**

- (1) Attempts to cause serious bodily injury to another, or causes such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life.**

(Complainant's underlining)

**4. Reply to PPL Electric's Answers 14, 15 and 16** averring that PPL Electric's two expert witness evidence was more persuasive and rebutted the Complainant's evidence and that none of the Complainant's evidence should be used to support any findings of fact:

This is FALSE.

The Commission erred in ruling that the approximately 1,800 peer-reviewed studies reporting biological or adverse health effects published between 2007-2012 and identified in *Bioinitiative 2012* do not provide a reliable basis for reaching a conclusion about RF radiation and dangers of the AMI smart meter. The Commission erred likewise with the 2,311 studies in the Navy's 1972 Bibliography (*Complainant's Hearing Exhibit 4*) and Dr. Martin Pall's list of 155 studies. (*Complainant's Hearing Exhibit 5*)

It defies credulity that one industry paid witness (Dr. Israel) got it right, and that for the past 80 years all the thousands of researchers, peer-review scientists, and journal editors who reported adverse

health effects were all wrong. Would a reasonable person believe that one individual, Dr. Israel, could possess more knowledge and expertise than all these RF radiation scientists from around the world?

PPL Electric and PA PUC erred in averring that this RF radiation research is not applicable if it is not linked specifically to PPL Electric's AMI smart meter brand. When the U.S. Surgeon General announced that smoking cigarettes was linked to lung cancer it applied to tobacco in general. Phillip Morris and R.J. Reynolds could not duck the findings by claiming the research was not conducted on their tobacco crops.

It is wrong that PPL Electric and the Commission rejected the 1,800 studies in *Bioinitiative 2012* on the grounds they consider the report to be an "advocacy document". Given that the PA PUC considers a Complainant to have the burden of proof (rather, in truth PPL Electric should have to prove safety) the fact that the PA PUC then discredits advocacy information rather than its substance is plain wrong. This is a clear example of PA PUC bias.

It is blatantly false when PPL Electric's Dr. Israel claims not a single study showing adverse health effects has ever been replicated. Studies have been replicated again and again (*Transcript p. 79 at 5-10*). ((*Agarwal et al, 2008; Agarwal et al, 2009; Wdowiak et al, 2007; De Iuliis et al, 2009; Fejes et al, 2005; Aitken et al, 2005; Kumar, Bioinitiative 2012, digital p. 51*) (*Hjeresen et al, 1988 Bioinitiative 2012, digital p. 518*) (*Coogan and Ashengrau, 1988, Bioinitiative 2012, digital p. 962*) The Complainant will identify and list other replicated, peer-reviewed scientific studies from his Exhibits in his Commonwealth Appeal. Moreover, the thousands of studies the Complainant identified obviously replicate each other by showing that RF radiation causes adverse health effects.

Instead, PA PUC assigns more weight to PPL Electric's 10 scientific studies which found no adverse effects and vague reference to other unnamed scientific studies. This is illogical as shown in the following: Farmer A claims all chicken eggs are white. Farmer B shows his brown chicken eggs to Farmer A. Therefore, there is no such thing as brown chicken eggs.

PA PUC rejecting scientific studies which report adverse health effects from RF radiation is arbitrary, capricious, and warrants appeal to the Commonwealth Court.

PPL Electric also wrongly claims that the Complainant believes the Commonwealth Court should “reweigh” the evidence. The Commonwealth Court does not possess scientific expertise in RF radiation research to my knowledge. So, the Complainant would not expect the Court to “weigh” the quality of the studies in terms of their design, their methodologies and the validity of their conclusions. In his Appeal the Complainant will ask the Commonwealth Court to review and rule, inter alia, on the validity of PA PUC rejecting and keeping out of the record all studies of the past 80 years which report adverse health effects from RF radiation,<sup>2</sup> violation of Constitutional rights, errors of law, and erroneous findings of fact.

The Complainant submits that the PA PUC doing so constitutes willful blindness, a deliberate avoidance of facts, and an effort to keep evidence out of the record so as not to have to acknowledge the existence of RF radiation hazards.

**5. Reply to PPL Electric’s Answer 17 that he is not likely to demonstrate that the Commission committed an error of law:**

This is FALSE.

The Complainant submits that this is for the PA PUC and Commonwealth Court to decide.

**6. Reply to PPL Electric’s Answer 18 that the plain language of Section 2807 (f) (2) of the Public Utility Code unambiguously states that electric distribution companies “shall” furnish the new AMI meters:**

This is ERRONEOUS.

The plain language in sub-paragraph 2807 (f) (2) (i) unambiguously states that smart meters SHALL also be installed:

**“Upon request from a customer that agrees to pay the cost of**

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<sup>2</sup> PPL Electric requested that the Complainant’s 29 Hearing Exhibits not be used to support any findings of fact (*PPL Electric’s Replies to Exceptions dated September 17, 2018, p. 12, Reply to Exception 9*). In turn PA PUC ruled in favor of PPL Electric (*Final Opinion and Order dated August 29, 2019, p. 56, paragraph 2*) to not allow Complainant’s Exhibits to support any findings of fact.

**the smart meter at the time of the request**". (Complainant's underlining)<sup>3</sup>

In rejecting this plain language PA PUC is guilty of overreach and violates *1 Pa. C.S.A General Provisions 1921 Legislative Intent* which reads as follows:

- (b) **"When the words of a statute are clear and free from all ambiguity the letter of it is not to be disregarded under the pretext of pursuing its spirit"**.

The Complainant will more fully address this in his Appeal to the Commonwealth Court.

7. **Reply to PPL Electric's Answer 19** that the Commonwealth Court must defer to the agency's interpretation:

This is FALSE.

PA PUC violates *1 Pa. C.S.A 1921 Legislative Intent* which reads as follows:

- (c) **"When the words of the statute are not explicit, the intention of the General Assembly may be ascertained by considering, among other matters:**

**(7) The contemporaneous legislative history"**.

Both the House and Senate Legislative Journals clearly show that the General Assembly never intended for smart meters to be mandatory. (*Complainant's Direct Testimony p, 16-17*)

8. **Reply to PPL Electric's Answer 20** that nothing in Act 129 permits a customer to "opt-out":

This is FALSE.

PA PUC ignores the aforementioned "shall" and "upon request from a customer" language of Act 129 thereby usurping the legislative authority of the General Assembly. In doing so, PA PUC violates *1*

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<sup>3</sup> Note the words "request" and "agrees"

*Pa. C.S.A. General Provisions 1922 Presumptions in Ascertaining Legislative Intent* which reads as follows:

**“In ascertaining the intention of the General Assembly in the enactment of a statute the following presumptions, among others, may be used:**

- (1) “That the General Assembly does not intend a result that is absurd, impossible of execution, or unreasonable”<sup>4</sup>**
- (2) That the General Assembly does not intend to violate the Constitution of the United States or of this Commonwealth.**
- (3) That the General Assembly intends to favor the public interest as against any private interest.**

The Complainant will more fully address this in his Appeal to the Commonwealth Court.

**9. Reply to PPL Electric’s Answer 21** that PPL Electric must install the new AMI meters for all of its customers:

This is FALSE.

See paragraphs 6, 7 and 8 above.

**10. Reply to PPL Electric’s Answer 26** that the Complainant tried to introduce and rely again on extra-record evidence including the National Toxicology Program (NTP) Study and allegations raised by complainants in other proceedings:

This is FALSE.

The National Toxicology Program (NTP) Study is in the record. It is addressed in Complainant’s *Exhibit 3 (Bioinitiative 2012, digital p. 162-163)* and elsewhere in pre-hearing correspondence. This long awaited, landmark U.S. Government study found “clear evidence” that RF

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<sup>4</sup> Surely the General Assembly never intended to harm or endanger the health of their constituents.

radiation was carcinogenic to rats. Announced on March 28, 2018 these findings are extraordinarily important because the NTP Study disproves PPL Electric's claim that there is no reliable medical basis to conclude that RF fields cause or contribute to the development of any diseases or illnesses. *PPL Exhibit No. 2 p. 11 at 17-19*

And the NTP Study is also extraordinarily important because it confirms adverse health effects being attributed to RF radiation which have been reported in countless other peer-reviewed scientific studies the Complainant identified. These studies include cancer findings. The carcinogenic findings by the NTP government appointed expert panel constituted a material change of fact, but PA PUC would not permit these NTP Study findings to be entered into the record.

However, at the hearing PPL's attorney was allowed to criticize the NTP Study (*Transcript p. 70 at 24-25*) and the Complainant's expert witness, Dr. Carpenter. (*Transcript p. 71 at 1-5*). But the Complainant was not permitted to elicit testimony from his expert witness on the NTP Study. (*Transcript p. 69 at 22-25 and p. 70 at 1-5*)

The ALJ further erred in ruling that the NTP Study was not "new or novel evidence". The findings of the NTP study were announced to the public on March 28, 2018 just five days prior to the Complainant's April 2, 2018 hearing. The deadline for the written Testimonies of the Complainant and his expert witness, Dr. Carpenter, was March 16, 2018. Therefore, it was impossible for Dr. Carpenter to mention the latest NTP Study findings in his March 12 written Testimony (*Complainant Hearing Exhibit 1*) for which PPL wrongly faults Dr. Carpenter (*Transcript p. 71 at 1-5*). However, in his written Testimony Dr. Carpenter stated that he would address "research relating to biological health effects from exposure to non-thermal RF radiation" which should have included the NTP Study and its previous announcements of carcinogenic findings.

The ALJ and PA PUC absolutely erred later in denying the Complainant's request to reopen and enter into the record the NTP Study on the grounds that the cancer finding was "**not in the public interest**" to know. *ALJ I.D. at 17* This ruling not only prejudiced the Complainant's case, but was a judicial miscarriage and breach of trust for 13 million Pennsylvanians.

As for PPL Electric's objection that the Complainant cited Dockets from other PA PUC Complaints constitutes "extra-record evidence", this is FALSE.

Citing PA PUC Dockets is allowable under *52 Pa Code 5.407*. In fact, PPL Electric cites four such PA PUC Dockets in their September 26, 2019 Answer to the Complainant's Supersedeas.

**11. Reply to PPL Electric's Answer 27** that none of this information is in the record and cannot be introduced and relied upon:

This is FALSE.

See paragraphs 10 and 13 above, and 24 below.

**12. Reply to PPL Electric's Answer 28** that Complainant does not have a strong likelihood of prevailing on appeal:

This is FALSE.

This is not for PPL Electric to decide.

**13. Reply to PPL Electric's Answer 29** that the Complainant failed to demonstrate irreparable injury absent a stay:

This is FALSE.

This is a non-sequitur and unreasonable in the extreme. The Complainant does not yet have a smart meter installed on his home. To prove harm, he would first have to deliberately injure himself by exposing himself to smart meter RF radiation elsewhere until he became sick. Obviously, the Complainant should not be forced to harm himself from smart meter RF radiation to be allowed to opt-

out. But even if the Complainant did make himself sick the PA PUC has ruled in every case that physical harm and suffering from smarter meter RF radiation does not constitute unsafe electrical service under *Section 1501*, even on the advice of a treating physician.

It is in the PA PUC record that Pennsylvanians are being irreparably injured by or suffering from smart meter RF radiation. Below is a sampling of such Formal Complaints filed with the PA PUC. Some victims have become sick within hours or days of having smart meters installed on their homes or in their neighborhoods. Some have had to move out of their homes or use special shielding to mitigate the effects of smart meter RF radiation being transmitted into their homes.

*Albrecht v PECO, C-2015-2537666*

*Bervinchak v PPL Electric, C-2016-2572824*

*Hicks v PPL Electric, C-2017-2628778*

*Hoffman-Lorah v PPL Electric, C-2018-2644957*

*Kreider v PECO, C-2015-246955, C-2015-2495064*

*McDonald v Met Ed, C-2018-3003758*

*McKnight v PECO, C-2017-2621057*

*Ott v Med Ed, C-2018-3005829*

*Paul v PECO Energy, C-2015-2475355*

*Povacz v PECO, C-2015-2475023*

*Schmukler v PPL Electric, C-2015-2621285*

*Sheehan v West Power, C-2017-2630406*

*Sunstein Murphy v PECO, C-2015-2475726*

*Van Schoyck v PECO, C-2015-2478239*

Finally, the Complainant does not have \$25 million dollars and ten years to conduct a scientific study comparable to the NTP Study to prove irreparable injury. The Complainant does not have a hundred thousand dollars or more to hire skilled attorneys and pay for expert witnesses. It is unreasonable for PA PUC to require the Complainant or any Pennsylvanians to take these extreme measures to demonstrate

irreparable injury, when in truth, PA PUC should require PPL Electric to prove their AMI smart meter RF radiation is safe. Nowhere in Act 29 does language appear that the customer must demonstrate he will suffer irreparable injury absent a stay or to not have a smart meter installed on his home. In levying this impossible requirement PA PUC violates *Title 1 Pa. C.S.A. 1922* regarding legislative intent which reads as follows:

- (1) “That the General Assembly does not intend a result that is absurd, impossible of execution or unreasonable”.**

**14. Reply to PPL Electric’s Answer 30 that Complainant has failed to demonstrate:**

- 1) That he will suffer adverse health effects from the AMI smart meter being installed.

This is ERRONEOUS.

See paragraphs 10 and 13 above.

- 2) That PPL Electric will not be harmed by the stay.

This is ERRONEOUS.

PPL Electric is a Fortune 500 Company with billions of dollars in revenue and profits and receives millions in government rebates and tax shelters. By their own admission PPL Electric states that the cost to replace a smart meter is miniscule – under \$150. (*PPL Electric’s Answer dated September 26, 2019 to Complainant’s Supersedeas, p. 9, paragraph 39*)

However, the Complainant is willing to pay PPL Electric the modest cost for having an employee read his analog meter so as not to cause financial harm to PPL Electric.

More importantly, there is a larger principle at stake here than corporate gain. Corporations should not be permitted to make money by injuring or endangering the health of their customers. In accordance with *1 Pa. C.S.A. 1922 (5)* Complainant requests PA PUC place his interest and health over what is convenient and expedient for PPL Electric.

- 3) Parties will benefit financially from the stay.

PPL Electric will benefit by approximately \$150 or less

Complainant will benefit financially by being able to continuously stay in his home.

**15. Reply to PPL Electric's Answer 31** that the Complainant has failed to demonstrate that the installation of the new AMI meter will cause, contribute to, or exacerbate any adverse health effects:

This is FALSE. See paragraphs 10 and 13 above.

Below are examples of Formal Complaints filed with the PA PUC of victims who are suffering from RF radiation transmitted by PPL Electric's AMI smart meters mounted on their homes or on houses in their neighborhoods:

*Bervinchak v PPL Electric, C-2016-2572824*

*Hoffman-Lorah v PPL Electric, C-2018-2644957*

*Schmuckler v PPL Electric, C-2015-262-1285*

**16. Reply to PPL Electric's Answer 32** to the effect that nothing in the Complainant's Petition demonstrates that the installation of the new AMI smart meter warrants disturbing the fact that the AMI meter will not cause, contribute to, or exacerbate any adverse health effects:

This is FALSE. See paragraphs 10 and 13 above.

Also, PPL Electric's careful choice of words that proof of harm must be tied specifically to the AMI smart meter is disingenuous. It is contrary to all the scientific community understands about the functioning of science for policy. RF radiation is tested both in labs (toxicology) and real-life situations (epidemiology) in a wide variety of ways, precisely so that scientists may know biological outcomes without the use of a branded device or infrastructure. Phillip Morris and R. J. Reynolds could not duck the finding that smoking caused lung cancer by claiming the research was not conducted on their tobacco crops.

**17. Reply to PPL Electric's Answer 33** that PPL Electric has been delaying the installation of the AMI meter for his residence since the proceeding began on August 22, 2017:

There is no statutory requirement in Act 129 that smart meters be installed in any particular year. With new homes and buildings being constructed all the time, smart meter installations by necessity are an ongoing work in progress. The only smart meter scheduling date in *Act 129 Section 2807 (f) (2)* reads as follows:

**“(iii) In accordance with a depreciation schedule not to exceed 15 years.”**

A depreciation schedule is an accounting and tax term typically used for tax write-off purposes. Even allowing for PA PUC’s erroneous and unlawful interpretation that a depreciation schedule requires smart meters to be installed in 15 years, that deadline would not be until October 14, 2023 because *Act 129* was passed on October 15, 2008.

In his Appeal the Complainant will challenge the 15-year depreciation schedule that negates the shall install “upon request from the customer” wording in *Act 129, Section 2807 (f) (2) (i)*.

**18. Reply to PPL Electric’s Answer 34** that under PPL Electric’s Commission-approved plan the Company is set to finish deploying its AMI meters in 2019:

As stated in paragraph 17 above there is no statutory requirement for PPL Electric to finish deploying its AMI meters in 2019. And with new homes and buildings being constructed smart meter installations are an ongoing work in progress.

It is extremely important to the Complainant that he not have a smart meter installed on his home during the appeal process. The Complainant resides in a small, narrow two-story home. The location of the smart meter on the side of his house would be approximately 2 feet opposite from the interior wall of the dining/family room where the Complainant and family members spend the majority of their indoor time. The kitchen would be 13 feet away from the smart meter. The Complainant’s second floor bedroom would be as close as 10 feet away and his office 20 feet away. Many of the victims injured in the PA PUC Dockets listed in paragraph 13 above have been harmed by or are suffering from smart meter RF radiation transmitted at distances far, far greater and intensities much less than what the Complainant would be exposed to in his home. As documented in his *Main Brief p.29-32 and Reply Brief Appendix A* adverse

health effects have been conclusively shown to occur at intensities thousands of times less than the FCC guidelines.

The Complainant is confident he can win his Appeal based on Constitutional grounds, errors in law, and erroneous findings of fact by the Commission. In the interim the Complainant does not want to be needlessly harmed or have his lifestyle crippled by RF radiation only to have the PA PUC Order overturned and the analog meter reinstalled.

Because of the Complainant's close proximity to the smart meter if mounted on his home the Complainant requests the following during the appeal process to the Commonwealth Court:

- 1) That the PA PUC invoke the safe utility service requirement of *Section 1501* and allow the Complainant to retain his current analog meter that does not transmit RF radiation into his home, and;
- 2) That the PA PUC not allow PPL Electric to disconnect electrical service.
- 3) That the PA PUC recognize and comply with the legislative intent of *1 Pa.*

*C.S.A.1922 sub-paragraph (5)* which states the following regarding the enactment of a statute:

**“That the General Assembly intends to favor the public interest as against any private interest”.**

**19. Reply to PPL Electric's Answer 35** that the Company needs to deploy the meters in 2019 so that it can focus on the two-year system stabilization period from 2020-2021:

Besides the reasons stated in paragraphs 17 and 18 above there is a higher principle called for here. Corporations should not be permitted to make people sick or put their health at risk in order to make money from customers.

Pennsylvania is the only state to the Complainant's knowledge that makes smart meter installations mandatory. PPL Electric does not explain why their Company alone must have 100%

compliance for a stabilization period where in all or most of the country smart meters are optional and electric service providers never achieve full compliance.

Moreover, PPL Electric does not explain that although 100% compliance is never achieved why a smart meter could not be added to the Complainant's home after the fact if he does not win his Appeal to the Commonwealth Court.

Again, due to the Complainant's close proximity to the smart meter if installed the Complainant reiterates that during the appeal process:

1) That the PA PUC invoke the safe utility service requirement of *Section 1501* and allow the Complainant to retain his current analog meter that does not transmit RF radiation into his home, and

2) That the PA PUC not allow PPL Electric to disconnect electrical service.

3) That PA PUC acknowledge and comply with the legislative intent statute of *1 Pa. C.S.A.1922*

(5) quoted in paragraph 18 above.

**20. Reply to PPL Electric's Answer 36** that it could take several months until the Commonwealth Court issues a ruling on the Complainant's Appeal:

The Complainant objects.

See paragraphs 17 and 18 above.

Complainant offers to reimburse PPL Electric for the modest cost of having an employee take a manual reading; or alternatively, take photos of analog meter consumption levels and provide them to PPL Electric at designated intervals for billing purposes.

Again, the Complainant requests PA PUC acknowledge and comply with the legislative intent of *1 Pa. C.S.A.1922 sub-section (5)* favoring public interest against private interests. See paragraph 18 above.

**21. Reply to PPL Electric's Answer 37** that if AMI meter installation is delayed, PPL Electric will not be able to install the AMI meter in accordance with its AMI meter deployment schedule.

The Complainant OBJECTS.

See paragraphs 17, 18, 19 and 20 above.

New homes and buildings are always being built and require first time electric service hookup. Older homes are being raised as a matter of course and some homeowners have chosen to go off the grid to avoid having a smart meter installed. PPL Electric has not explained how a delay in installing a smart meter on the Complainant's home would impact their "stabilization period" any more than the aforementioned market fluctuations and the fact that in other states smart meters are not mandatory.

**22. Reply to PPL Electric's Answer 38** that a stay will have a financial benefit to both parties.

This is CORRECT.

PPL Electric will not have to install meters twice and the Complainant will be spared the cost of temporarily relocating and staying with relatives who do not have smart meters installed on their homes.

**23. Reply to PPL Electric's Answer 39** that the Complainant's argument should be rejected because the cost to install and later replace the new AMI meter is miniscule, *i.e.* approximately under \$150.

This is CORRECT.

PPL Electric makes the point for the Complainant.

**24. Reply to PPL Electric's Answer 41** stating that as with the Complainant's Main Brief and Reply Brief, the Complainant improperly attempts to introduce and rely upon extra-record evidence.

This is FALSE.

There is nothing in the Complainant's Main Brief and Reply Brief that includes extra-record evidence. The Complainant will address his Briefs in his Appeal to the Commonwealth Court. See paragraphs 24 and 25 below regarding other allegations of extra-record evidence:

**25. Reply to PPL Electric's Answer 42** claiming that the NTP Study and allegations raised by complainants in other proceedings contain extra-record evidence:

Regarding the NTP Study, this is FALSE. See paragraph 10 above.

Regarding allegations raised by complainants in other proceeding, and allegations of other unnamed persons, who have experienced issues with AMI, this is ERRONEOUS.

The PA PUC smart meter Dockets the Petitioner cited were for the purpose of requesting a stay and have not been submitted as evidence in the actual Appeal to the Commonwealth Court. Same applies to the unnamed persons who complained to their lawmakers of being harmed by smart meters. These Docket numbers were submitted in accordance with *Rule 1781 of the Pa. Code* entitled *Stay Pending Action on Petition for Review* which requires the Complainant to show reasons for the stay being requested. In fact, PPL Electric cites PA PUC Docket numbers and Commonwealth Court cases in their September 26, 2019 Answer letter to Complainant's Supersedeas.

**26. Reply to PPL Electric's Answer 43** that evidence is not in the record:

This is ERRONEOUS. See paragraphs 10, 23, 24 and 25 above.

The Complainant is appealing to the Commonwealth Court the PA PUC's improper ruling that none of the peer-reviewed scientific studies and other evidence in the Complainant's 29 Exhibits were permitted to support any findings of fact.

Unable to rebut the findings from thousands of peer-reviewed scientific studies spanning eight decades that RF radiation causes adverse health effects, PPL Electric and PA PUC resort to keeping this evidence out of the record.

**27. Reply to PPL Electric's Answer 44 to strike several pieces of extra-record evidence, including the draft NTP Study:**

This is ERRONEOUS.

See paragraphs 10, 13 and 24 above.

The Complainant is appealing to the Commonwealth Court PA PUC's improper rejection of evidence.

**28. Reply to PPL Electric's Answer 45 regarding extra-record evidence.**

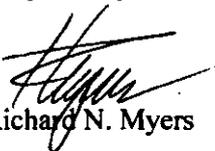
This is ERRONEOUS.

See paragraphs 10, 13 and 24 above.

The Complainant is appealing to the Commonwealth Court PA PUC's improper rejection of evidence.

In conclusion, the Complainant requests for reasons stated above that PPL Electric and PA PUC not install a smart meter on his residence or disconnect electrical service pending resolution of his Appeal.

Respectfully submitted,



Richard N. Myers

Date: October 15, 2019

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of my witness information letter were 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).

**VIA FIRST CLASS MAIL**

Devin Ryan  
C/O Post & Schell  
17 North Second Street, 12<sup>th</sup> Floor  
Harrisburg, PA 17101-1601

Date: October 15, 2019



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Richard N. Myers

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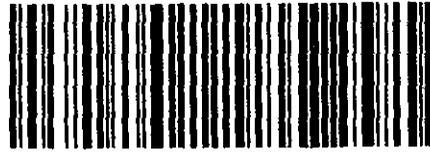
**OCT 15 2019**

**PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU**

Richard Myers  
1123 Elm Ave.  
Lancaster, PA 17603

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OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

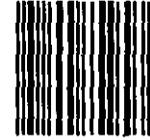
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17105

U.S. POSTAGE PAID  
FCM LG ENV  
BAUSMAN, PA  
17504  
OCT 15, 19  
AMOUNT

**\$7.75**

R2305K141688-22

ROSEMARY CHIAVETTA, SECRETARY

PENNSYLVANIA PUBLIC UTILITY COMMISSION

COMMONWEALTH KEYSTONE BUILDING

400 NORTH STREET, 2ND FLOOR NORTH

P.O. BOX 3265

HARRISBURG, PA 17105 - 3265