

Lawrence and Debra Esposito  
4239 High Rd., Cresco, PA 18326

January 13, 2020  
*VIA ELECTRONIC FILING*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**RE: Lawrence And Debra Esposito v. PPL Electric Utilities Corporation  
Docket No. C-2019-3007334**

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Dear Secretary Chiavetta:

Enclosed for filing are the exceptions by Lawrence and Debra Esposito to the Initial decision of the Administrative Law Judge in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully,



Lawrence Esposito

cc: Honorable Elizabeth Barnes  
Gladys Brown Dutrieuille, Chairman, Pennsylvania Public Utility Commission  
David W. Sweet, Vice Chairman, Pennsylvania Public Utility Commission  
Andrew G. Place, Commissioner, Pennsylvania Public Utility Commission  
Norman J. Kennard, Commissioner, Pennsylvania Public Utility Commission  
John F. Coleman Jr., Commissioner, Pennsylvania Public Utility Commission  
State Senator Mario Scavello  
Representative Rosemary Brown  
Certificate of Service

Attachments: 1. "How Big Wireless Made Us Think That Cell Phone Usage Is Safe" - A Special Investigation by The Nation April 2019, 2. Summary of "Tobacco Explained", 3. Table of Contents for Center for Public Integrity's "Breathless and Burdened" (re: Black Lung Disease), 4. The EPA and Monsanto, 5. Washington Post article November 24, 1999 - "UL - Still Safety's Symbol?"

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

### VIA E-MAIL AND FIRST-CLASS MAIL

Devin Ryan  
Post and Schell  
17 North Second Street 12th Floor  
Harrisburg, PA 17101-1601  
[dryan@postschell.com](mailto:dryan@postschell.com)



Date: January 13, 2020

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Lawrence Esposito

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Lawrence and Debra Esposito,  
Complainants,

v.

PPL Electric Utilities Corporation,  
Respondent.

Docket No. C-2019-3007334

**EXCEPTIONS OF LAWRENCE AND DEBRA ESPOSITO, COMPLAINANTS,  
TO THE INITIAL DECISION OF THE ADMINISTRATIVE LAW JUDGE IN THE ABOVE  
REFERENCED HEARING**

**TO HONORABLE ELIZABETH BARNES AND TO THE COMMISSION:**

Pursuant to 52 Pa. Code §§5.533 AND 5.535 , Lawrence and Debra Esposito respectfully request that the Initial Decision of the Administrative Law Judge be voided for the following reasons:

**INTRODUCTION**

We, Debra and Lawrence Esposito, filed our original complaint for the following reasons: 1. There is no reason having to do with safety, national security, or energy efficiency for a “Smart Meter” or any other device to be installed on our home. There is no advantage for us as consumers and possible negative consequences as outlined in the exceptions below. 2. We are being forced against our will to allow installation of an RF device for which research indicates the possibility of long term health effects and for which research is on-going. 3. Installation of this device is an invasion of our privacy and against our rights as citizens of the United States and the Commonwealth of Pennsylvania.

In addition, the Pennsylvania Public Utilities Commission Mission Statement states: “Mission Statement: The Pennsylvania Public Utility Commission balances the needs of consumers and utilities; ensures safe and reliable utility service at reasonable rates; protects the public interest; educates

consumers to make independent and informed utility choices; furthers economic development; and fosters new technologies and competitive markets in an environmentally sound manner.” We believe that the above referenced Initial Decision tips the “balance” greatly in the direction of the utilities; does not ensure safe service; and can be questioned as to its “environmentally sound” effects.

#### EXCEPTIONS TO FINDINGS OF FACTS

##### **9. The Landis + Gyr Focus AXR-SD meter is certified by the Underwriters Laboratories.”**

Exception: UL certification is hardly a guarantee of safety as proven by historic and multiple approvals of faulty and/or dangerous items. (See Attachment: “Washington Post Article, November 29, 1999.)

##### **13 – 15: Credentials of Doctor Davis**

Exception 1: While we do not dispute Dr. Davis’ resume we also contend that as a paid “expert” for PPL as well as other power companies he can hardly be called an objective witness and could be considered “biased”. Yet we were not allowed to submit into evidence “The Bioinitiative Report” because PPL’s attorney’s labeled it “biased.” Here is an excerpt from the Preface to the Bioinitiative Report: “The BioInitiative 2012 Report has been prepared by 29 authors from ten countries, ten holding medical degrees (MDs), 21 PhDs, and three MsC, MA or MPHs. Among the authors are three former presidents of the Bioelectromagnetics Society, and five full members of BEMS. One distinguished author is the Chair of the Russian National Committee on Non-Ionizing Radiation. Another is a Senior Advisor to the European Environmental Agency. As in 2007, each author is responsible for their own chapter. The great strength of the BioInitiative Report ([www.bioinitiative.org](http://www.bioinitiative.org)) is that it has been done independent of governments, existing bodies and industry professional societies that have clung to old standards. Precisely because of this, the BioInitiative Report presents a solid scientific and public health policy assessment that is evidence-based.”

We take exception to Dr. Davis being allowed to testify since his status as a paid expert seriously compromises his objectivity and especially because we were not allowed to submit the “Bioinitiative Report” as evidence.

Exception 2: History is replete with examples of items deemed “safe” by so-called experts which were later proven “unsafe” or, in some cases, deadly. The following industries have, in the past, or continue to this day to proclaim the safety of their products and can parade out scientific “experts” to prove their cases Here are just a few examples: Asbestos Industry, Tobacco Industry, Coal Mining Industry, Pesticide Industry, Wireless Industry. See attached documents “Asbestos History,” “Summary of ‘Tobacco Explained’”, “Table of Contents for Center for Public Integrity's Breathless and Burdened,” “The EPA and Monsanto”, and “How Big Wireless Made Us Think That Cell Phone Usage Is Safe.”

### **25 – 29: Credentials of Doctor Israel**

Exception 1: While we do not dispute Dr. Israel’s’ resume we also contend that as a paid “expert” for PPL as well as other power companies he can hardly be called an objective witness. (See Exception 1 to Credentials of Dr. Davis above.)

We take exception to Dr. Israel being allowed to testify since his status as a paid expert seriously compromises his objectivity and especially because we were not allowed to submit the “Bioinitiative Report” as evidence.

Exception 2: Same as Exception 2 to Credentials of Dr. Davis above.

### **22 - 23. There are eight television broadcast towers within a 50 mile radius of Complainants residence.**

Exception: As with the forced installation of a smart meter by PPL, we have no control over construction of television towers, cell phone towers, power lines, etc. When given a choice, however, we can take steps to limit our exposure to devices we may choose to use as necessities of life in 2020. To us, this is an argument for limiting exposure from any new, unnecessary, device instead of piling on more exposure as in the case of a smart meter installed directly on our home against our will and without any choice or real recourse on our part.

### **36. Complainants are neither medical professionals nor engineers.**

Exception: We are supposedly free citizens of a democratic country. As such we can do our own research and due diligence. “Medical Professionals” and “Engineers” and other so-

called experts are not infallible, are prone to error, and perfectly capable of lying. (Please see all attached documents which are factual accounts of the historic perfidy of “Medical Professionals” and “Engineers”).

#### EXCEPTIONS TO “Dispositions”

**Exception 1 to Page 12, Paragraphs 1 and 2:** While we do not dispute Dr. Israel’s’ resume we also contend that as a paid “expert” for PPL as well as other power companies he can hardly be called an objective witness and could be considered “biased”. Yet we were not allowed to submit into evidence “The Bioinitiative Report” because PPL’s attorney’s labeled it “biased.” Here is an excerpt from the Preface to the Bioinitiative Report: “The BioInitiative 2012 Report has been prepared by 29 authors from ten countries, ten holding medical degrees (MDs), 21 PhDs, and three MsC, MA or MPHs. Among the authors are three former presidents of the Bioelectromagnetics Society, and five full members of BEMS. One distinguished author is the Chair of the Russian National Committee on Non-Ionizing Radiation. Another is a Senior Advisor to the European Environmental Agency. As in 2007, each author is responsible for their own chapter. The great strength of the BioInitiative Report ([www.bioinitiative.org](http://www.bioinitiative.org)) is that it has been done independent of governments, existing bodies and industry professional societies that have clung to old standards. Precisely because of this, the BioInitiative Report presents a solid scientific and public health policy assessment that is evidence-based.”

We take exception to Dr. Israel being allowed to testify since his status as a paid expert seriously compromises his objectivity and especially because we were not allowed to submit the “Bioinitiative Report” as evidence for that very reason

**Exception 2 to Page 12, Paragraph 1 and 2:** History is replete with examples of items deemed “safe” by so-called experts which were later proven “unsafe” or, in some cases, deadly. The following industries have, in the past, or continue to this day to proclaim the safety of their products and can parade out scientific “experts” to prove their cases Here are just a few examples: Asbestos Industry, Tobacco Industry, Coal Mining Industry, Pesticide Industry, Wireless Industry. See attached documents “Asbestos History,” “Summary of ‘Tobacco Explained’”, “Table of Contents for Center for Public Integrity's Breathless and Burdened,” “The EPA and Monsanto”, and “How Big Wireless Made Us Think That Cell Phone Usage Is Safe.”

**Exception 1 to Page 13, Paragraphs 1 and 2:** While we do not dispute Dr. Davis' resume we also contend that as a paid "expert" for PPL as well as other power companies he can hardly be called an objective witness and could be considered "biased". Yet we were not allowed to submit into evidence "The Bioinitiative Report" because PPL's attorney's labeled it "biased." Here is an excerpt from the Preface to the Bioinitiative Report: "The BioInitiative 2012 Report has been prepared by 29 authors from ten countries, ten holding medical degrees (MDs), 21 PhDs, and three MsC, MA or MPHs. Among the authors are three former presidents of the Bioelectromagnetics Society, and five full members of BEMS. One distinguished author is the Chair of the Russian National Committee on Non-Ionizing Radiation. Another is a Senior Advisor to the European Environmental Agency. As in 2007, each author is responsible for their own chapter. The great strength of the BioInitiative Report ([www.bioinitiative.org](http://www.bioinitiative.org)) is that it has been done independent of governments, existing bodies and industry professional societies that have clung to old standards. Precisely because of this, the BioInitiative Report presents a solid scientific and public health policy assessment that is evidence-based."

We take exception to Dr. Davis being allowed to testify since his status as a paid expert seriously compromises his objectivity and especially because we were not allowed to submit the "Bioinitiative Report" as evidence.

**Exception 2 to Page 12, Paragraph 1 and 2: See Exception 2 to Page 12, Paragraph 1 and 2 above.**

**Exception 1 to Page 115, Paragraphs 1 and 2:** "PPL contends that its meters are cybersecure.": Impossible. Here is a short list of major data breaches in the last 5 years:

- [2017 Equifax data breach](#)- In 2017, [Equifax Inc.](#) announced that a cyber-security breach occurred between May to mid July of that year. [Cyber criminals](#) had accessed approximately 145.5 million U.S. Equifax consumers' personal data, including their full names, [Social Security numbers](#), [credit card](#) information, [birth dates](#), [addresses](#), and, in some cases, [driver's license numbers](#).
- [2016 Indian Banks data breach](#) - It was estimated 3.2 million [debit cards](#) were compromised. Major [Indian banks](#)- [SBI](#), [HDFC Bank](#), [ICICI](#), [YES Bank](#) and [Axis Bank](#) were among the worst hit.
- [2014 JPMorgan Chase data breach](#), allegedly conducted by a group of Russian hackers

- [Goodwill Industries](#) – in September 2014, the company suffered from a credit card data breach that affected the charitable retailer's stores in at least 21 states. Another two retailers were affected.
- [Home Depot](#) – in September 2014, the cybercriminals that compromised Home Depot's network and installed malware on the home-supply company's [point-of-sale systems](#) likely stole information on 56 million [payment cards](#).
- [Office of Personnel Management data breach](#)—Dec 2014 breach of data on [U.S. government employees](#). The attack originated in [China](#).
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## CONCLUSION

“The Pennsylvania Public Utility Commission balances the needs of consumers and utilities; ensures safe and reliable utility service at reasonable rates; protects the public interest; educates consumers to make independent and informed utility choices; furthers economic development; and fosters new technologies and competitive markets in an environmentally sound manner.”

We request that the PUC put the “needs of consumers” and “the public interest” ahead of the profits of PPL and other power companies and reject the Initial Decision of the Administrative Law Judge in our case and grant our petition to continue with the analog meter presently installed on our property. Further we request that the PUC recommend to the Pennsylvania Senate and House that smart meter “opt-out” laws already in committees in both houses be released to the full houses for a vote.

**Respectfully Submitted:**



**Lawrence Esposito**

**4239 High Rd.**

**Cresco, PA 18326**

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