

January 20, 2020

*Via Electronic Filing*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Keystone Bldg. 2nd Floor W  
400 N. Street  
Harrisburg, PA 17120

**RE: Pamela Scott v. Duquesne Light Company**  
Docket No. C-2018-3004042

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Status Report which was served via First-Class, U.S. Mail today January 20, 2020, per the Judge's Order in this matter. A copy of this correspondence and document has been served upon Complainant and Administrative Law Judge Watson in accordance with Commission regulations.

Please feel free to contact me if you have any questions.

Sincerely,



Jeremy V. Farrell  
Attorney for Duquesne Light Company

Paul Shane Miller  
Attorney for Duquesne Light Company

Enclosure

c: Pamela Scott (with enclosure)  
ALJ Jeffrey Watson (with enclosure)

TADMS:5257110-1 014657-158498

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PAMELA SCOTT,

Complainant,

No: C-2018-3004042

v.

DUQUESNE LIGHT COMPANY,

Respondent.

**RESPONDENT'S STATUS REPORT**

Filed on Behalf of:  
Duquesne Light Company

Counsel of Record for this Party:

Jeremy V. Farrell, Esquire  
PA I.D. No. 316258

Paul Shane Miller, Esquire  
PA I.D. No. 319174

Tucker Arensberg, P.C.  
1500 One PPG Place  
Pittsburgh, PA 15222  
(412) 566-1212

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PAMELA SCOTT,

Complainant,

No. C-2018-3004042

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

**RESPONDENT'S STATUS REPORT**

Pursuant to the Presiding Administrative Law Judge's Interim Order Granting Respondent's Motion to Compel Filed on October 30, 2019 dated December 20, 2019 ("Interim Order"), Respondent Duquesne Light Company ("Duquesne Light") submits this status report:

1. In Complainant's Status Report of January 13, 2020, Complainant Pamela Scott ("Complainant") stated that she is available for the hearing on the following dates in March 2020: March 2-5, March 11-12, March 16-19, and March 23-24.

2. Duquesne Light and its witnesses are available for the hearing on the following dates in March 2020: March 2-5, March 11-12, and March 23-24.

3. Accordingly, both parties are available for the hearing on the following dates in March 2020: March 2-5, March 11-12, and March 23-24.

4. The Interim Order also instructed Complainant to provide "full and complete responses to Respondent's Discovery Request Nos. 22, 23, and 24, as more fully described in the Motion to Compel filed by Respondent filed on October 30, 2019." See Interim Order, ¶ 2.

5. The Interim Order directed the parties to state in their status reports whether Complainant complied with this order. Id. at ¶ 4.

6. Complainant served Complainant's Supplemental Response to Respondent's Discovery Request Nos. 22, 23, and 24 ("Complainant's Supplemental Response") to Duquesne Light on January 11, 2020. A copy of Complainant's Supplemental Response is attached as Exhibit A.

7. As shown by Exhibit A, Complainant's Supplemental Response are not a "full and complete" response to Discovery Request Nos. 22, 23, and 24. Complainant stated, without further elaboration, that her proposed expert witness, Joshua Hart, will offer "expert testimony and opinion regarding adverse health effects from smart meter installations" based on "his extensive experience in his area of expertise." Complainant declined to produce Mr. Hart's *curriculum vitae*, stating this it was not in her possession, custody, or control. Instead, she instructed Duquesne Light to visit Mr. Hart's website, [www. stopsmartmeters.org](http://www.stopsmartmeters.org). Complainant also attached a two-page email sent by Mr. Hart to the California Council on Science and Technology about nine years ago. She contends that this two-page email qualifies as an expert report and "mirrors exactly what his [Mr. Hart's] testimony would be in this particular case."

8. Complainant's Supplemental Response is not a "full and complete" response to Duquesne Light's Discovery Request Nos. 22, 23, and 24 because Mr. Hart's two-page email from nine years ago is not an "expert report" and Complainant continues to refuse to produce Mr. Hart's *curriculum vitae*. Duquesne Light plans to move to preclude Mr. Hart from testifying at the hearing in this matter.

Respectfully submitted,

TUCKER ARENSBERG, P.C.



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Jeremy V. Farrell, Esquire  
PA I.D. No. 316258  
(412) 594-3938  
Paul Shane Miller, Esquire  
PA I.D. No. 319174

(412) 594-5503

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

January 11, 2020

**Via Regular Mail**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Keystone Building, Second Floor W.  
400 North Street  
Harrisburg, PA 17120

**RE: Pamela Scott v. Duquesne Light Company**  
Docket No. C-2018-3004042

Dear Secretary Chiavetta:

Enclosed please find a copy of Complainant's Certificate of Service showing service on January 11, 2020 of *Complainant's Supplemental Response to Respondent's Discovery Request Nos. 22, 23, and 24*, in accordance with Administrative Law Judge Jeffrey A. Watson's December 20, 2019 *Interim Order Granting Respondent's Motion to Compel Filed on October 30, 2019*.

A copy of this letter and document has been served upon Jeremy V. Farrell and Paul Shane Miller of Tucker Arensberg (attorneys for Duquesne Light Company), and Presiding Officer Jeffrey A. Watson, in accordance with Commission regulations.

Please feel free to contact me if you have any questions.

Sincerely,



Pamela Scott  
134 Markham Drive  
Pittsburgh, PA 15228-1008  
(412) 998-8880

Encl: Certificate of Service

Cc: ➔ Jeremy V. Farrell & Paul Shane Miller (with enclosure)  
ALJ Jeffrey A. Watson (with enclosure)



January 11, 2020

**Via Regular Mail**

Jeremy V. Farrell, Esq. and  
Paul Shane Miller, Esq.  
1500 One PPG Place  
Pittsburgh, PA 15222

**RE: Pamela Scott v. Duquesne Light Company**  
Docket No. C-2018-3004042

Dear Messrs. Farrell and Miller:

In accordance with Administrative Law Judge Jeffrey A. Watson's December 20, 2019 *Interim Order Granting Respondent's Motion to Compel Filed on October 30, 2019*, enclosed please find *Complainant's Supplemental Response to Respondent's Discovery Request Nos. 22, 23, and 24*.

Sincerely,



Pamela Scott  
134 Markham Drive  
Pittsburgh, PA 15228-1008  
(412) 998-8880

Encl: Complainant's Supplemental Response to Respondent's  
Discovery Request Nos. 22, 23, and 24  
Verification  
Certificate of Service



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PAMELA SCOTT	:	
	:	
Complainant,	:	
	:	
vs.	:	Docket No. C-2018-3004042
	:	
DUQUESNE LIGHT COMPANY	:	
	:	
Respondent.	:	

**COMPLAINANT'S SUPPLEMENTAL RESPONSE  
TO RESPONDENT'S DISCOVERY REQUEST NOS. 22, 23, AND 24**

I, Pamela Scott, hereby respond with supplemental answers to Duquesne Light Company's Discovery Request Nos. 22, 23, and 24 in accordance with Administrative Law Judge Jeffrey A. Watson's December 20, 2019 *Interim Order Granting Respondent's Motion to Compel Filed on October 30, 2019*.

***Discovery Request #22:** 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.*

**Supplemental Answer to Discovery Request #22:** The subject matter and substance of Joshua Hart's testimony was previously provided to you: it remains expert testimony and opinion regarding adverse health effects from smart meter installations. The grounds for his expert opinion remains his extensive experience in his area of expertise. Again, I direct you to [stopsmartmeters.org](http://stopsmartmeters.org)

***Discovery Request #23:** Produce the report of any expert You intend to call to testify on Your*

*behalf at trial.*

**Supplemental Answer to Discovery Request #23:** Respondent's October 30, 2019 *Motion to Compel Discovery Responses* wails that "Duquesne Light has little idea what Mr. Hart will testify to at the hearing, which puts Duquesne Light in precisely the predicament that is forbidden by 52 Pa. Code § 5.324(a)(1)(ii)." In reality, 52 Pa. Code § 5.324(a)(1)(ii) forbids nothing and simply provides that a party may require that the other party "state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion." 52 Pa. Code § 5.324(a)(1)(ii) further states that the party answering the interrogatories "may file as the answer a report of the expert." 52 Pa. Code § 5.324(a)(1)(ii) does not define a "report", and I have only this week learned that such a report need not be specific to the party's particular case. As Mr. Hart's testimony in this case has not yet been prepared, I am able at this time to provide the following 2011 report "signed by the expert" that rebuffs one of Duquesne Light's primary "proofs" of smart meter safety and mirrors exactly what his testimony would be in this particular case. [See Exhibit A.]

**Discovery Request #24:** *Produce the curriculum vitae of any expert that You intend to call to testify on Your behalf at trial.*

**Supplemental Answer to Discovery Request #24:** As previously answered, "I have requested the curriculum vitae of Joshua Hart Msc, and will forward it to you when I receive it. Joshua Hart is the Director of Stop Smart Meters, whose website is <https://stopsmartmeters.org> which has much information." While I would be happy to provide Joshua Hart's curriculum vitae if one was currently or formerly in my possession, custody, or control, it is necessary to point out to Duquesne Light at this juncture that 52 Pa. Code § 5.324(a)(1)(ii) is silent on requiring the production of a curriculum vitae document.

Respectfully submitted,



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Pamela Scott, Complainant  
134 Markham Drive  
Pittsburgh, PA 15228-1008  
(412) 998-8880

# JOSHUA HART REPORT

From: Joshua Hart <joshuanoahhart@googlemail.com>  
Subject: **Smart Meter Report- comment**  
Date: January 27, 2011 2:44:38 PM PST  
To: ccst@ccst.us

California Council on Science and Technology  
1130 K Street  
Sacramento, California 95814

Dear CCST,

Your draft report, "Health Impacts of Radiofrequency from Smart Meters" is biased, incomplete and unscientific. The taxpayers of the state of California deserve their money back. Your report symbolizes what happens when the interests of industry trump the public's interest in protecting our health. The truth is that people are getting hurt by the significant increase in wireless radiation that is being inflicted on communities throughout California. The 'smart' meter program is a major part of that. What a sad outcome for a supposedly 'green' project. Your obstinate refusal to consider evidence that is directly in front of your eyes is not only unscientific—it betrays a lack of curiosity- and furthermore your report will go down in history as enabling an abuse of human rights here in the United States and abroad.

Many others who are far more qualified than myself have pointed out omissions and inconsistencies contained within the report. So I will keep my comments brief. Specifically:

- There are thousands of studies on the non-thermal effects of microwave radiation. But I'd like to focus on just one- Henry Lai's 1996 study on DNA breakages at the University of Washington, published in the International Journal of Radiation Biology. His research- as you must know by now- showed that DNA breakages occurred in the brain cells of rat brains exposed to very low levels of rf. These results have been replicated a number of times with the same results. **On that one particular issue, the best scientific research we have indicates that low levels of rf can indeed break apart DNA strands.** That would be reason alone to restrict the use of wireless technology until such time as we can better learn why this happens and protect biological systems from such damage. Instead, further research was shut down, funding taken away, and further investigations into this critical issue were discontinued. You say there is 'no conclusive evidence' that there are non-thermal impacts from radiation. How "conclusive" does evidence need to be before policymakers act to protect public health? Your recommendations that we wait until such time as the science is 100% certain is a perfect recipe to repeat the past policy failures that led to the deaths and illnesses of thousands from unnecessary x-rays, exposure to asbestos, and cigarette smoking.
- Your report failed to discuss the condition known as Electro-hypersensitivity (EHS), a functional impairment that is legally recognised in such countries as Sweden. The fact that a growing proportion of the population suffers when exposed to rf levels far below FCC limits has tremendous moral and legal implications for rolling out a mandatory technological system that has driven people from their livelihoods and homes. Yet these concerns remain unaddressed in your report.
- For a so-called 'health' study, your project team did not include any medical or health professionals. Feedback by those people who did have expertise in this field- particularly those who had expertise on the biological effects of rf radiation were systematically excluded from the report. Can you please

EXHIBIT A  
EXHIBIT A

- PAGE 1 OF 2

explain this?

- Your report states that, “Health concerns surrounding RF from smart meters are similar to many other devices that we use in our daily lives, including cordless and mobile telephones, microwave ovens, wireless routers, hair dryers, and wireless enabled laptop computers.” I do not know who this “we” is that you speak of. I personally do not use any of the devices you mention, and that is my choice as an individual. Many other people also choose not to use such devices because of an electrical sensitivity or other reasons. The authors of the report appear to share the limited world view and arrogance of the CPUC Commissioners and utilities in assuming that everyone chooses to live as you do. People do not have any choice currently not to have a smart meter on their home. This is a substantial difference in terms of the morality of applying new technologies, and one that is not acknowledged in your report.
- Your team failed to interview even one of the more than 2000 people who have filed health related complaints about smart meters with the CPUC. In any legitimate investigation, at least a sample of those reporting health symptoms would be interviewed. Yet this was not done, due to your panel being unqualified to carry out these type of epidemiological investigations- or for other reasons. Some of the hundreds of reports that we have received through our website, [stopsmartmeters.org](http://stopsmartmeters.org), are attached as appendix 1.

In summary, I would like to say first of all that it is sad that the CA legislature chose your organization to prepare a report on the health risks of wireless technology. Your mission statement of “maintaining California's technological leadership and a vigorous economy” is a very different goal than protecting the public's health and safety. When those goals contradict one another, I am not reassured that your organization has the ability to be objective. Now that I have read your draft report, I am certain of your inability to maintain objectivity in the face of billions in potential profit.

When your family members and friends, or you yourselves are suffering from an affliction brought on by overexposure to microwave radiation, perhaps you will individually question the recommendations in your report as you lie awake at night.

Organizationally, I have no faith that this will ever happen.

Sincerely,

Joshua Hart  
Director, StopSmartMeters.org

Cc: Assemblymember Jared Huffman  
Assemblymember Bill Monning  
Governor Jerry Brown  
Congressman Sam Farr

EXHIBIT A - P 2  
EXHIBIT A

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PAMELA SCOTT

Complainant,

vs.

DUQUESNE LIGHT COMPANY

Respondent.

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Docket No. C-2018-3004042

**VERIFICATION**

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



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Pamela Scott  
134 Markham Drive  
Pittsburgh, PA 15228  
(412) 998-8880

Dated: January 11, 2020

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PAMELA SCOTT	:	
	:	
Complainant,	:	
	:	
vs.	:	Docket No. C-2018-3004042
	:	
DUQUESNE LIGHT COMPANY	:	
	:	
Respondent.	:	

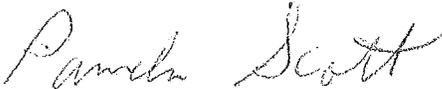
**CERTIFICATE OF SERVICE**

I, Pamela Scott, hereby certify that I have this day served a true copy of the foregoing document *Complainant's Supplemental Response to Respondent's Discovery Request Nos. 22, 23, and 24* upon the parties, listed below, in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a party).

VIA REGULAR MAIL:

Paul Shane Miller & Jeremy V. Farrell  
Tucker Arensberg  
1500 One PPG Place  
Pittsburgh, PA 15222

Dated this 11th day of January, 2020



Pamela Scott  
134 Markham Drive  
Pittsburgh, PA 15228-1008  
(412) 998-8880

