

January 24, 2020

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
2nd Floor, Room-N201
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 Motion *In Limine* to Preclude Joshua Hart From Testifying as an Expert Witness. A copy of this document has been served upon Complainant in accordance with Commission regulations.

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

Sincerely,

/s/ Paul Shane Miller

Jeremy V. Farrell
Attorney for Duquesne Light Company

Paul Shane Miller
Attorney for Duquesne Light Company

Enclosure

cc: Pamela Scott (with enclosure)
Administrative Law Judge Jeffrey Watson (with enclosure)

TADMS:5257181-1 014657-158498

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PAMELA SCOTT,

Complainant,

v.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2018-3004042

**MOTION *IN LIMINE* TO PRECLUDE
JOSHUA HART FROM TESTIFYING AS
AN EXPERT WITNESS**

Filed on behalf of Respondent
Duquesne Light Company

Counsel of Record for this Party:

Jeremy V. Farrell, Esquire
PA I.D. No. 316258
jfarrell@tuckerlaw.com

Paul Shane Miller, Esquire
PA I.D. No. 319174
smiller@tuckerlaw.com

(412) 566-1212
1500 One PPG Place
Pittsburgh, PA 15222

NOTICE TO PLEAD

TO COMPLAINANT PAMELA SCOTT:

**YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO DUQUESNE LIGHT'S
MOTION WITHIN 20 DAYS OR A JUDGMENT MAY BE ENTERED AGAINST YOU.**

TUCKER ARENSBERG, P.C.



Jeremy V. Farrell, Esquire
Paul Shane Miller, Esquire
Counsel for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**MOTION *IN LIMINE* TO PRECLUDE JOSHUA HART FROM TESTIFYING AS AN
EXPERT WITNESS**

Respondent Duquesne Light Company (“Duquesne Light”) files this Motion pursuant to 52 Pa. Code § 5.103:

I. INTRODUCTION

Complainant Pamela Scott (“Complainant”) intends to offer expert testimony from Joshua Hart, the Director of the advocacy group “Stop Smart Meters.” Mr. Hart plans to testify about alleged “adverse health effects from smart meter installations.” The Presiding ALJ should preclude Mr. Hart’s expert testimony for two reasons.

First, Mr. Hart is not qualified to offer expert testimony about alleged “adverse health effects from smart meter installations.” Complainant failed to produce Mr. Hart’s *curriculum vitae*, but no facts or evidence suggest that he is a physician or healthcare professional or that he has any relevant experience in medicine, public health, or a related field. Mr. Hart thus lacks a reasonable pretension to specialized knowledge about alleged “adverse health effects from smart meter installations.”

In addition, Complainant repeatedly refused to produce information in discovery relating Mr. Hart’s planned testimony, even though Duquesne Light first requested the information roughly 16 months ago and the Presiding ALJ ordered Complainant to produce it.

Complainant's refusal to produce this information has deprived Duquesne Light of its fundamental right to review the evidence and testimony that will be presented against it at the hearing.

II. STATEMENT OF FACTS

On August 15, 2018, Complainant filed a Formal Complaint against Duquesne Light alleging that Duquesne Light is threatening to shut off her electric service because she refuses to accept the installation of a smart meter at her residence. Complaint, ¶ 4. Complainant claims that smart meters "cause adverse health conditions in me, including heart arrhythmias and palpitations, vertigo, and joint pain." *Id.* She wants Duquesne Light to be barred from terminating her electric service until "this dispute regarding forced participation in their advanced digital smart meter program...is resolved, or until state law is specifically passed to specifically allow opt-out from...smart meter programs." *Id.* at ¶ 5.

On September 24, 2018, Duquesne Light served its First Set of Discovery Requests Directed to Complainant ("Discovery Requests"). See Duquesne Light's Certificate of Service dated September 24, 2018. Of relevance here, Discovery Request Nos. 22, 23, and 24 contain the following requests:

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.
23. Produce the report of any expert You intend to call to testify on Your behalf at trial.
24. Produce the curriculum vitae of any expert that You intend to call to testify on Your behalf at trial.

In response, Complainant served Complainant's Answers to Respondent's First Set of Discovery Requests Directed to Complainant ("Complainant's Discovery Responses"). Complainant provided no substantive response to Discovery Request Nos. 22, 23, and 24, other than stating that the subject matter on which her experts were expected to testify is "smart meters and EHS [electromagnetic hypersensitivity]." A copy of the relevant pages from Complainant's Discovery Responses are attached as Exhibit A.

On August 9, 2019, Complainant served Duquesne Light with Complainant's List of Potential Witnesses ("Complainant's Witness List"). Complainant's Witness List identified six potential fact witnesses and three potential expert witnesses. Complainant listed Mr. Hart as a potential expert witness. A copy of Complainant's Witness List is attached as Exhibit B. Duquesne Light moved to preclude all of Complainant's proposed witnesses. See Motion to Compel Discovery Responses and to Preclude Witnesses Identified in Complainant's List of Potential Witnesses From Testifying (filed on Oct. 1, 2019). Alternatively, Duquesne Light stated that if any of Complainant's expert witnesses were permitted to testify, Complainant should be compelled to provide full and complete responses to Discovery Request Nos. 22, 23, and 24. Id.

The Presiding ALJ precluded five of Complainant's six proposed fact witnesses. See Interim Order Granting in Part, Respondent's Motion to Preclude Witnesses Identified in Complainant's List of Potential Witnesses From Testifying (issued on Oct. 28, 2019). The Presiding ALJ also precluded two of Complainant's three proposed expert witnesses; he did not rule on whether the third proposed expert witness - Mr. Hart - would be permitted to testify. Id.

Given that Mr. Hart had not been precluded from testifying, Duquesne Light moved to compel Complainant to provide full and complete responses to Discovery Request Nos. 22, 23, and 24 for Mr. Hart's planned testimony. See Motion to Compel Discovery Responses (filed on Oct. 30, 2019). The Presiding ALJ granted Duquesne Light's Motion to Compel. He ordered Complainant to provide full and complete responses to Discovery Request Nos. 22, 23, and 24

on or before January 13, 2020. See Interim Order Granting Respondent's Motion to Compel Filed on October 30, 2019 (issued on Dec. 20, 2019).

On January 11, 2020, Complainant served Complainant's Supplemental Response to Respondent's Discovery Request Nos. 22, 23, and 24 ("Complainant's Supplemental Responses"). A copy of Complainant's Supplemental Responses are attached as Exhibit C. They state, "The subject matter and substance of Joshua Hart's testimony...remains expert testimony and opinion regarding adverse health effects from smart meter installations" and "[t]he grounds for his [Mr. Hart's] expert opinion remains his extensive experience in his area of expertise." See Exhibit D. Complainant did not produce a *curriculum vitae* for Mr. Hart, stating that it was not in her possession, custody, or control; instead, she stated that Mr. Hart is the "Director of Stop Smart Meters" and instructed Duquesne Light to visit www.stopsmartmeters.org. Id. Finally, in response to Duquesne Light's request for Mr. Hart's expert report, Complainant attached a two-page email that Mr. Hart had sent to the California Council on Science and Technology on January 27, 2011. Id. Complainant stated that this e-mail "mirrors exactly what his [Mr. Hart's] testimony would be in this particular case." Id.

III. ARGUMENT

A. *Mr. Hart should be precluded from testifying as an expert witness because he is not a physician or healthcare professional and does not have a reasonable pretension to specialized knowledge about alleged adverse health effects from smart meters.*

A witness who intends to testify as to an inference or opinion in matters requiring special training or experience to understand must be qualified as an expert in the field. Hawthorne v. Dravo Corp., Keystone Div., 508 A.2d 298, 304 (Pa. Super. Ct. 1986). To qualify as an expert in a given field, a witness must possess more expertise than is within the ordinary range of training, knowledge, intelligence, or experience. Jacobs v. Chatwani, 922 A.2d 950, 959 (Pa. Super. Ct. 2007). A person qualifies as an expert witness if, through education, occupation, or practical experience, the witness has a "reasonable pretension to specialized knowledge" on the

matter at issue. Ruzzi v. Butler Petroleum Co., 588 A.2d 1, 10 (Pa. 1991); Kursis v. Baldwin-Lima-Hamilton Corp., 319 A.2d 914, 924 (Pa. 1974). Pennsylvania courts have long held that testimony regarding the existence or nonexistence of a disease or disorder requires the training and experience of a medical expert. Travellers Ins. Co. v. Heppenstall Co., 61 A.2d 809, 813 (Pa. 1948) (matters involving the existence or nonexistence of a disease require the training and experience of a medical expert); Collins v. Cooper, 746 A.2d 615, 620 (Pa. Super. Ct. 2000) (same).

Here, Mr. Hart is not qualified to testify as an expert about the purported “adverse health effects from smart meter installations.” Complainant refused to produce Mr. Hart’s *curriculum vitae* in discovery, but no evidence or facts suggest that he is a physician or healthcare professional or that he has relevant experience in medicine, public health, or a related field. Instead, Mr. Hart is an advocate who opposes smart meter technology. He may possess general knowledge about smart meters, but he simply does not have sufficient skill, knowledge, or experience to testify as an expert witness about the purported “adverse health effects from smart meter installations.” His expert testimony should be precluded for this reason alone.

B. Mr. Hart should be precluded from testifying as an expert witness because Complainant failed to provide Duquesne Light with the substance of the facts and opinions to which he is expected to testify, the grounds for each opinion, or a valid expert report or curriculum vitae for Mr. Hart.

In discovery, a party may request through interrogatories “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). The responding party may file an expert report, have the interrogatories answered by the expert, or provide written direct testimony of the expert. *Id.* Expert testimony can be precluded if the party seeking to offer the expert testimony failed to disclose the nature of the expert’s testimony pursuant to a discovery order. Dion v. Graduate Hosp. of Univ. of Pa., 520 A.2d 876, 882 (Pa. Super. Ct. 1987); Brophy v. Brizuela, 517 A.2d 1293, 1294 (Pa. Super. Ct. 1986).

Here, Duquesne Light issued Discovery Request Nos. 22, 23, and 24 roughly 16 months ago – on September 24, 2018. These Discovery Requests sought to obtain the substance of the facts and opinions to which Mr. Hart is expected to testify; a summary of the grounds for Mr. Hart’s expert opinion; and an expert report and *curriculum vitae* for Mr. Hart. Complainant failed to provide full and complete responses to these requests, thus requiring Duquesne Light to file a motion to compel. Just last month, the Presiding ALJ ordered Complainant to provide “full and complete” responses to Discovery Request Nos. 22, 23, and 24.

Complainant still refuses to do so. Instead, in Complainant’s Supplemental Responses served on January 11, 2020, she repeated the generic statement that Mr. Hart will testify about “adverse health effects from smart meter installations” and “the grounds for his expert opinion remains his extensive experience in his area of expertise.” For Mr. Hart’s “expert report,” Complainant served Duquesne Light with a two page e-mail that he sent to the California Council on Science and Technology roughly nine years ago. Complainant’s generic responses and Mr. Hart’s brief email to a non-party in California roughly nine years ago provide little substantive information about his planned testimony in this case.

Complainant’s failure to provide full and complete responses to Discovery Request Nos. 22, 23, and 24 is not a minor procedural matter. Rather, it deprives Duquesne Light of its fundamental right to examine the evidence that will be presented against the Company at the hearing. Without this information, Duquesne Light does not know what Mr. Hart will testify to at the hearing, putting Duquesne Light in precisely the predicament that 52 Pa. Code § 5.324(a)(1)(ii) is meant to avoid. Accordingly, Mr. Hart should be precluded from testifying at any hearing in this matter.

C. If Mr. Hart is permitted to testify as an expert witness in this matter, his testimony must be limited to the fair scope of his email to the California Council on Science and Technology dated January 27, 2011.

If the facts known or opinion held by an expert have been developed in discovery, the expert's direct testimony at hearing cannot be inconsistent with or go beyond the fair scope of his or her testimony in the discovery proceedings as set forth in the expert's deposition, answer to interrogatories, separate report, or written direct testimony. 52 Pa. Code § 5.324(c). Here, Complainant stated that Mr. Hart's two-page email to the California Council on Science and Technology dated January 27, 2011 "mirrors exactly what his testimony would be in this particular case." Therefore, if Mr. Hart is permitted to testify as an expert witness in this matter (which he should not be), his testimony cannot go beyond the fair scope of this email.

IV. CONCLUSION

For the reasons stated above, Duquesne Light respectfully requests that the Presiding ALJ preclude Joshua Hart from testifying as an expert witness at any hearing in this matter. If he is permitted to testify as an expert witness, Duquesne Light requests that his testimony be limited to the fair scope of the email that he sent to the California Council on Science and Technology dated January 27, 2011.

Respectfully submitted,

TUGKER ARENSBERG, P.C.



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

TADMS:5257181-1 014657-158498

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PAMELA SCOTT

Complainant,

vs.

DUQUESNE LIGHT COMPANY

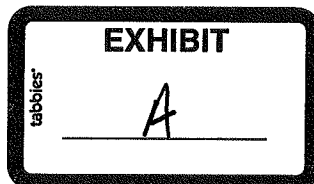
Respondent.

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Docket No. C-2018-3004042

**COMPLAINANT'S
ANSWERS
TO RESPONDENT'S
FIRST SET OF
DISCOVERY REQUESTS
DIRECTED TO
COMPLAINANT**

Filed by Complainant
Pamela Scott
134 Markham Drive
Pittsburgh, PA 15228-1008



10/2/18

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.*

Answer to Discovery Request #22: I am in the process of identifying the full names, addresses, and telephone numbers of each person that I expect to offer testimony "at any hearing of this matter", therefore I have no names, addresses, or telephone numbers of such persons at this time. The subject matter on which the experts are expected to testify is smart meters and EHS.

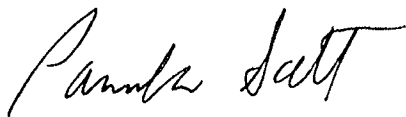
Discovery Request #23: *Produce the report of any expert You intend to call to testify on Your behalf at trial.*

Answer to Discovery Request #23: I do not have any Documents currently or formerly in my possession, custody, or control that are responsive to this request.

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

Answer to Discovery Request #24: Given that I am in the process of identifying and securing expert testimony, I do not have any Documents currently or formerly in my possession, custody, or control that are responsive to this request.

Respectfully submitted,



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

August 9, 2019

Via Regular Mail

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

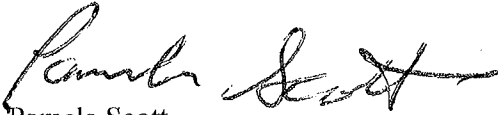
RE: Pamela Scott v. Duquesne Light Company
Docket No. C-2018-3004042

Dear Messrs. Farrell and Miller:

Enclosed please find Complainant's list of potential witnesses.

Thank you for your attention to this matter.

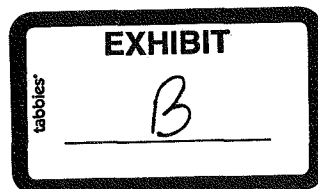
Sincerely,



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

Encl: List of Potential Witnesses
Certificate of Service

Cc: ALJ Jeffrey A. Watson (with enclosure)



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PAMELA SCOTT

Complainant,

vs.

DUQUESNE LIGHT COMPANY

Respondent.

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Docket No. C-2018-3004042

**COMPLAINANT'S
LIST
OF
POTENTIAL
WITNESSES**

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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

COMPLAINANT'S LIST OF POTENTIAL WITNESSES

Complainant Pamela Scott, in accordance with Administrative Law Judge Jeffrey A. Watson's Interim Order Establishing Revised Litigation Schedule dated July 23, 2019, identifies the following individuals who she may call as fact or expert witnesses at the hearing of this matter.

EXPERT WITNESSES

1. David C. Mowery
William A. & Betty H. Hasler Professor Emeritus of New Enterprise Development
Business and Public Policy
Haas School of Business
University of California, Berkeley
2220 Piedmont Ave.
Berkeley, CA 94720

Dr. Mowery would offer expert testimony and opinion regarding the public policy and inadvisability of mandating smart meters as a condition of electric service, including the economic ramifications of doing so.

2. M. Granger Morgan
Hamerschlag University Professor of Engineering
Department of Engineering and Public Policy
Carnegie Mellon University
129 Baker Hall
Pittsburgh, PA 15213

Dr. Morgan would offer expert testimony and opinion regarding the public policy and inadvisability of mandating smart meters as a condition of electric service, including the economic ramifications of doing so.

3. Joshua Hart MSc, Director
Stop Smart Meters
P.O. Box 682
Portola, CA 96122

Mr. Hart would offer expert testimony and opinion regarding adverse health effects from smart meter installations.

FACTUAL WITNESSES

1. Thomas L. Stevenson, Attorney
Thomas L. Stevenson and Associates
666 Washington Rd., Suite #101
Pittsburgh, PA 15228

Attorney Stevenson would offer testimony about a powerful electrical surge, and information and/or misinformation that Duquesne Light provided regarding said surge, in the Markham neighborhood circa 2002.

2. Scott E. Hutchinson, Senator
Pennsylvania State Senate
170 Main Capitol

Harrisburg, PA 17120

As a member of the House in 2008, Senator Hutchinson would testify as to whether forced acceptance of a smart meter as a condition of electric service at 100% of residences in an EDC's service territory was the intent of Act 129 of 2008.

3. Kerry Benninghoff, Representative
Pennsylvania House of Representatives
147 Main Capitol
P.O. Box 202171
Harrisburg, PA 17120

As a member of the House in 2008, Representative Benninghoff would testify as to whether forced acceptance of a smart meter as a condition of electric service at 100% of residences in an EDC's service territory was the intent of Act 129 of 2008.

4. Stanley E. Saylor, Representative
Pennsylvania House of Representatives
245 Main Capitol Building
P.O. Box 202094
Harrisburg, PA 17120

As a member of the House in 2008, Representative Saylor would testify as to whether forced acceptance of a smart meter as a condition of electric service at 100% of residences in an EDC's service territory was the intent of Act 129 of 2008.

5. Robert Sturges Jr.
Professor Emeritus
Department of Industrial and Systems Engineering
College of Engineering
Virginia Tech
100 Durham Hall
Blacksburg, VA 24061

Dr. Sturges would testify as to whether the wiring of the 1938-vintage Property would be

compromised by installation of the Smart Meter.

6. Linda Kurtz, Director
Smart Meter Education Network
2150 Foss St.
Ann Arbor, MI 48103

Ms. Kurtz would offer testimony regarding adverse health effects from smart meter installations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Pamela Scott", written over a horizontal line.

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

**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 Complainant's potential witness list 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, Esq. & Jeremy V. Farrell, Esq.
Tucker Arensberg, P.C.
1500 One PPG Place
Pittsburgh, PA 15222

Administrative Law Judge Jeffrey A. Watson
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
Piatt Place, Suite 220
301 Fifth Avenue
Pittsburgh, PA 15222

Dated this 9th day of August, 2019



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

**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

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

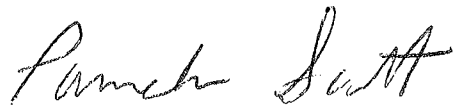
behalf at trial.

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,



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

- 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, 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

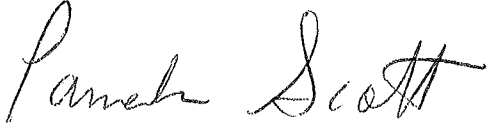
EXHIBIT A - P 2

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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).



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.	:	

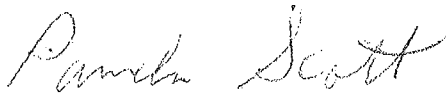
CERTIFICATE OF SERVICE

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

