

**COMPLAINANTS' ANSWER IN OPPOSITION
to
Respondent, PPL Electric Utilities' Motion for Sanctions
against Complainants**

1. To date, PPL has not installed AMI wireless smart meter devices on the Complainants' homes.
2. In Respondent's Interrogatories to Complainants, *PPL to Complainant-I-4(a)*, the Respondent asked Complainants to "[p]lease state every health condition you claim was caused by a smart meter or will be caused or worsened by the installation of PPL Electric's new smart meter."
3. Complainants John and Janet Holder responded to *PPL to Complainant-I-4(a)* as follows:

"We do not at present claim any existing health conditions.

"The question is misleading.

"It is not possible to predict 'every health condition' that will be caused or worsened by the installation of PPL Electric's new smart meter, and we therefore decline to state or make any such claim.

"The risks of many biological and adverse health effects, which an abundance of peer-reviewed scientific evidence has strongly associated with the hazards of exposure to radiofrequency radiation and RF electromagnetic fields produced by wireless smart meter devices, are enumerated and elaborated upon at length in our Amended Formal Complaint. (See Cause of Action I and the *Summary and Conclusion* thereof in our *Amended Complaint*.)

"Our action in this matter has been taken specifically to **prevent**, inasmuch as we are within our lawful rights, our being **forcibly** subjected to chronic, day-and-night, long-term, **involuntary** exposure to these additional hazards and risks to our health and safety by the installation of wireless smart meter devices on our homes."

4. Respondent's Interrogatories *PPL to Complainant-I-4 (b), (c), (d), and (e)* all were predicated upon the Complainants' answer to *PPL to Complainant-I-4(a)*.

5. Obviously, because Complainants John and Janet Holder have not claimed, and do not presently claim, any existing health conditions, Respondent's *Interrogatories to Complainant-I-4 (b), (c), (d), and (e)* are not applicable to Complainants John and Janet Holder, and Complainants justifiably could have answered them simply by indicating the letters 'N/A' in each of the spaces provided.

6. Complainants John and Janet Holder both are in good health, and neither has sought, nor has had any need to seek, medical attention or consultation for any health-related condition of any kind for twenty (20) or more years. Our medical records, if they were to be located, surely would reflect that fact. Moreover, neither John nor Janet Holder takes any prescription medications of any kind.

7. Complainant Janet Holder's mother, June Maculesky, is nearly 93 years old and suffers from non-Alzheimer's dementia. Mrs. Maculesky takes no prescription medications, and Complainants attest that, to their knowledge, Mrs. Maculesky has no other adverse medical condition. In any case, Complainants do not claim, nor shall we ever claim, that Mrs. Maculesky's dementia was caused or will be caused by exposure to radiofrequency radiation and RF fields produced by an AMI wireless smart meter device.

8. Respondent argues that "due to the Complainants' failure to produce the medical records to verify the existence of any claimed medical conditions or issues, the Complainants should be precluded from litigating claims that the installation of PPL Electric's AMI meter would cause, contribute to, or exacerbate adverse health effects."

9. It is just and proper that this Court not preclude the Complainants from exercising their rights provided under the Constitution of the United States to protect themselves from any act by the State or agent of the State which would condition Complainants' access to electricity, a basic and vital necessity of modern life, upon the use of their very homes and property in such a way that Complainants would be **forcibly and involuntarily** exposed, **in perpetuity**, to an agent that has been identified and scientifically classified as a possible human carcinogen and associated positively with hazard and risk.

The Complainants naturally and appropriately would be precluded from litigating a claim that the installation of AMI smart meters would contribute to or exacerbate health conditions which the Complainants already have averred not to have.

Nonetheless, the issue of whether or not the installation of AMI smart meters on the Complainants' homes would or could, in the *future*, cause adverse health effects is entirely independent of whether or not the Complainants have provided their medical records.

Given the fact that the Complainants have not "claimed medical conditions or issues," and also given the fact that, to date, AMI smart meter devices have not been installed on the Complainants' homes, the Respondent's argument in ¶ 8, *supra*, as it is predicated on the Complainants not having produced their medical records, is utterly without merit.

The Complainants therefore should not be precluded from exercising their due process right to litigate claims that radiofrequency radiation and RF fields resulting from the operation of AMI smart meters, were such devices to be installed on the Complainants' homes, potentially could or would cause, contribute to, or exacerbate possible future biological or adverse health effects.

10. Respondent argues alternatively "that the ALJ enter an order finding that the Complainants' refusal to produce such records establishes, as a matter of fact, that the Complainants have not experienced and will not experience any medical conditions or issues from the installation of PPL Electric's AMI meter."

11. Respondent's argument in ¶ 10, supra, is invalid and patently absurd. It is established, as a matter of fact, that Complainants have not claimed any medical conditions or issues from the installation of PPL Electric's AMI meters simply because PPL Electric has not installed any such devices on the Complainants' homes. However, proceeding merely from the premise that Complainants have not produced their medical records, it **cannot** be, and therefore cannot be found to be, established as a matter of **fact** that the Complainants **will not ever** experience **any** medical conditions or issues from the installation of PPL's AMI meter devices. The Court therefore should deny this request by the Respondent.

12. In its Motion for Sanctions against the Complainants, Respondent also claims that "the Complainants have attempted to abuse the administrative process to hide the fact that they have not and cannot demonstrate PPL Electric's smart meters have caused or contributed, or will cause or contribute, to any alleged adverse health effects."

13. The Complainants controvert PPL Electric's accusation in ¶ 12, supra, with the following fundamental counter-assertion:

The Respondents have used, and are using, the administrative process to hide the fact that they have not and cannot demonstrate that PPL Electric's smart meters will NOT cause or contribute to any adverse health effects.

If any party in this proceeding has attempted to hide anything, it is most certainly the Respondent, PPL Electric, as evidenced by the company's filing of its Motion in Limine. By filing this Motion, Respondent seeks to exclude, mostly on technical grounds, the Complainants' exhibits, and thereby, to obfuscate the voluminous body of positive and compelling scientific evidence, smother the facts, and ultimately bury the truth concerning the hazards and risks associated with exposure to even very low levels of radiofrequency radiation and RF fields.

Instead of pursuing scientific inquiry and truth to the fullest extent of what is currently known concerning the hazards and risks of exposure to RF radiation and RF fields, the Respondent has chosen to continue to selectively, and counter-scientifically, rely upon "cherry-picked" studies and to ignore the copious amount of evidence accumulated from the many hundreds of credible research studies that have reported positive findings of biological and adverse health effects. It is indeed the Respondent who has resorted to the common evasive tactic of fostering doubt by disingenuously creating a cloud of controversy behind which it seeks refuge from careful, thorough scrutiny in the light of strong, empirical evidence and incontrovertible facts.

Complainants therefore ask the Court, the finder of fact in this case, to consider the following questions: What facts are being hidden? From whom and by whom are they being hidden? ...And how and why are these facts continuing to be hidden in plain sight?

14. In requesting sanctions against the Complainants, the Respondent accuses them further of having chosen "to inundate PPL Electric, the ALJ and the Commission with thousands of pages of inadmissible documents and hundreds of hours of inadmissible videos"

15. In order for Complainants to defend our rights to liberty, property, and the fully safe and secure enjoyment of life, which are protected under the laws and Constitution of the United States from abridgement by government and state actors, the Complainants unjustly have been faced with the heavy burden of bringing forth a preponderance of evidence in this case.

16. It certainly has not been the Complainants' intent to abuse the administrative process or waste the Court's time with the evidentiary exhibits they have brought forth. On the contrary, Complainants have sought only to protect themselves and their family from actual and potential risks of harm and have proceeded accordingly in attempting to ensure that they fully meet the evidentiary burden imposed upon them.

17. In summary, the Respondent, PPL Electric Utilities, is pursuing its request for sanctions against the Complainants as if the company already had installed its AMI meter devices upon the Complainants' homes and as if the claims brought forth by the Complainants were somehow predicated upon their medical histories so as to be fundamentally dependent upon the production of their medical records. In addition, the Complainants, not having witnesses to testify on their behalf, have felt compelled to compensate for this great disadvantage by producing as much relevant, competent and credible evidence of reasonable probative value as possible.

WHEREFORE, for the foregoing reasons, Complainants respectfully request:

That this Court not preclude the Complainants from exercising their due process right to litigate claims that the hazards and risks associated with radiofrequency radiation and RF fields are such that forced chronic, continual, day-and-night, long-term exposure to these forms of radiation and electromagnetic fields by the **future** installation, directly upon their homes, of AMI wireless smart meter devices potentially could or would cause, contribute to, or exacerbate **future** biological or adverse health effects,

And that the Court deny Respondent PPL Electric's Motion for Sanctions.

Respectfully submitted,



Dated: April 16, 2020

John and Janet Holder, Complainants