

June 12, 2020

VIA ELECTRONIC FILING

Office of the Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: **Docket Nos. F-2019-3008809 and F-2019-3008832**

Enclosed for filing are *Exception to ALJ Order Granting Respondent's Motion for Sanctions* in the above-referenced proceeding. Per instructions of Legal Assistant, Melissa Maloney, of the PA PUC Secretary's Bureau, this is a re-filing of the documents previously efiled separately with Confirmation Numbers 1884698 and 1884707.

Respectfully submitted,



Handwritten signatures of John Holder and Janet Holder in blue ink, positioned above a horizontal line.

John Holder, Janet Holder

Exception to ALJ Order Granting Respondent's Motion for Sanctions

Complainants hereby file this *Exception to ALJ Order Granting Respondent's Motion for Sanctions* for the following reasons:

1. The sole reason given by the ALJ for granting Respondent's motion is contained in the following:

"That because Complainants have failed to produce any information and documents responsive to PPL to Complainant Set I, No. 4 during the course of this proceeding, and indicated that they do not intend to do so, I find that Complainants have not and **will not** experience any medical conditions or issues from the installation of PPL Electric's AMI meter." (Underlining and emphasis added.)

2. The finding stated by the ALJ in ¶ 1, supra, which presupposes some manner of special foreknowledge in denying **any and all possible** or potential adverse effects of an action **before** the occurrence of the action itself, is not justified logically or causally, and certainly is NOT justified on the basis of the reason given.

3. The 'action' referenced in ¶ 2, supra, which has NOT occurred is the installation by PPL Electric Utilities of AMI smart meter devices upon the homes of the Complainants.

4. The ALJ's finding that the Complainants "**will not** experience any medical conditions or issues from the installation of PPL Electric's AMI meter" **cannot be a finding of FACT**. (Underlining and emphasis added.)

5. The reason specified by the ALJ also erroneously implies that the Complainants' personal medical records and present state of health are somehow relevant to some of the claims made by the Complainants in their Amended Complaint.

6. The Complainants already have averred that they have no existing medically adverse health conditions. (See *PPL to Complainant-I-4*. See also *Complainants' Answer in Opposition to Respondent, PPL Electric Utilities' Motion for Sanctions*.)

7. In Paragraph 3 of *Complainants' Answer in Opposition to Respondent, PPL Electric Utilities' Motion for Sanctions*, the Complainants have stated that their action has been, and continues to be, entirely for the purpose of **preventing** any adverse biological or adverse health effects which have not occurred, but which possibly could occur **in the future** as a result of the installation of PPL's AMI smart meter devices. Specifically the Complainants have stated:

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

...

"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." (See also *PPL to Complainant-I-4(a)*.)

8. The Complainants' medical records therefore are **NOT in any way material** to the actions or claims brought forth by the Complainants in the instant case. Our medical records do not and would not provide a relevant basis for the determination of whether or not biological or adverse health effects **could occur or could be entirely caused in the future** as a result of the installation of PPL's AMI wireless smart meter devices.

9. Respondent PPL's requests under *PPL to Complainant-I-4* therefore are not only entirely immaterial, they are also unduly burdensome, and not reasonably calculated to lead to the discovery of relevant or material evidence or facts in the instant case.

10. Accordingly, the ALJ's order granting the Respondent's Motion for Sanctions severely and unjustifiably prejudices the Complainants case and denies the Complainants full and proper protection of their rights to due process.

WHEREFORE, for the above reasons and the reasons previously expressed in the *Complainants' Answer in Opposition to Respondent, PPL Electric Utilities' Motion for Sanctions*, the Complainants respectfully request that the order issued by the ALJ granting Respondent, PPL Electric Utilities' Motion for Sanctions be reversed.

Respectfully submitted,



Dated: June 10, 2020

John and Janet Holder, Complainants

CERTIFICATE OF SERVICE

We hereby certify that true and correct copies of *Exceptions to ALJ Order Granting Respondent's Motion for Sanctions* have 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):

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Date: June 12, 2020


