

Before the  
Pennsylvania Public Utility Commission

DEBORAH ENGISCH-PLATT AND KIM PLATT

v.

Metropolitan Edison Company/Public Utility Commission

DOCKET NO. C-2019-3013745

March 30, 2020

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Brief of complainant

INTRO

- 1) Complainants have not received a ruling as to whether their motion to stay has been granted. Complainants' case is dependent on 2 expert witnesses who are presently unavailable due to corona virus quarantine.

Since complainants are unable to utilize their expert witnesses, the complainant's issues are not preserved, on appeal, by virtue of a lack of ruling on their motion to stay. Conversely, if complainants had received a grant for a motion to stay, their expert witnesses would have been made available upon the end of the quarantine. Therefore, this brief intrinsically contains grounds for an appeal.

- 2) The deleterious affects from Smart Meters are settled science.
- A) The World Health Organization classifies such radiation as a Class 2B Carcinogen (Report to be supplemented)
- B) Exhibit A: Bibliography of Reported Biological Phenomena ('Effects') and Clinical Manifestations attributed to Microwave and Radio-Frequency Radiation. (Report to be supplemented)  
The Navel Medical Research Institute has an exhaustive report regarding 123 documented cases (Report to be supplemented) This exegesis report contains 2311 corroborating references and studies on the harmful effects of microwave and RF Radiation.
- 3) Exhibit B: Petition to avert harmful public exposure to pulsed microwave transmissions (Petition to be supplemented)  
In June 1997, Harvard University scientists and physicians as well as Boston University scientists and physicians signed a "petition to avert harmful public exposure to pulsed microwave transmissions."
- 4) Exhibit C: List of 155 reviews on Non-thermal Effects of Microwave/Intermediate Frequency EMFs by Martin L. Paul (To be supplemented) Martin L. Paul is a researcher and author of who co-authored scientific reviews on the dangers of radio-frequency radiation.
- 5) Exhibit D: To be supplemented  
THE WORLD HEALTH ORGANIAZATION recognizes electro-magnetic hypersensitivity as a legitimate condition from which Mr. Platt suffers.
- 6) Exhibit E: The International Journal of Molecular Sciences disseminated a review entitled: Electrohypersensitivity as a Newly Identified and Characterized Neurologic Pathological Disorder: How to Diagnose, Treat, and Prevent It (To be supplemented) This leviathan study includes 73 scientific and medical reviews.

7) These inconvertible studies may not be thrown out by respondents because they fall under the Daubert Standard  
This standard comes from the Supreme Court case:

Daubert vs Merrell Dow Pharmaceuticals Incorporated – 509U.S.579 (1993).

Under the Daubert Standard the evidence the complainants are submitting must be judicially submitted if the material is

1) relevant

2) has been subjected to peer review and publication

Notwithstanding the fact that the Daubert Standard has been used in some state courts, the fact that it has U.S. Supreme Court purview is still applicable in complainants case. This is because forcing toxic Smart Meters on Pennsylvania citizens is a flagrant violation of the Americans Disabilities Act.

8) Furthermore, the fact that the Smart Meters emit conducted emissions in excess of FCC allowable limits, allows this case to use the Daubert Standard for its evidence, in the purview of the federal rulings.

9) If the complainants had been granted their motion to stay then their expert witness Mr. Bathgate would have been able to document conducted emissions from complainants' neighbors in excess of the federal FCC Allowable Emissions. Hence, more relevance with the federal Daubert Standard.

10) The mesh system of Smart Meters forced on the consumers by Met Ed is a particularly dangerous technology. Also, the mesh system seeks out neighboring metering signals to augment and multiply its signals.

11) After the lifting of quarantines, Mr. Bathgate would have been able, had the motion been granted, to document the radiation emitting from the neighbors Smart Meters, as well as the excessive conducted emissions.

12) Mr. Bathgate testified before the Michigan Legislature on both the dangerously high level of the conductive emissions and radiation.

13) Mr. Platt had a severe reaction to exposure to his neighbor's Smart Meter.

While sitting in his neighbor's home, Mr. Platt was unknowingly exposed to his smart meter. The meter was mounted on an exterior wall, 8 feet from where he was sitting. Within 1 hour of exposure Mr. Platt experienced profound heart arrhythmia, shortness of breath, and extreme pain in his ears. He then left his neighbor's home returning to his own home, but the symptoms persisted for over 24 hours, which included a sunburn-like sensation on his eyelids and lips. Mr. Platt's home is located in a secluded area. The next closest home is 2/10's of a mile away. Mr. Platt now experiences similar, if not identical, symptoms when he is in close proximity to any Smart Meter.

14) Furthermore Mr. Platt has had definite temporal association: He becomes extremely ill with symptoms upon Smart Meter exposure. (See symptoms listed under item 13)  
This temporal association has proved inviolate.

15) To force a Smart Meter on Mr. Platt, given his electromagnetic sensitivity and dangerous symptoms is a violation of extirpation of the Americans with Disabilities Act.

16) It should be noted that Jenna Platt's physician/expert witness has been unavailable for appointments due to the Corna-19 Virus epidemic.

17) In 1968 the Public Law 90-602 provided for the protection of the public from radiation emissions from electronic devices. Sec. 354. The Congress hereby declares that the public health and safety must be protected from the dangers of electronic devices.

- 18) Forcing Pennsylvanians to be subjected exposure of radio-frequency emissions via Smart Meters, violates both the Pennsylvania state and US Constitutions. The bastardization of section 129 mandates that all customers of utilities be assailed by exposure to radio frequencies and electro-magnetic energy without any regard to individual health, safety, fire or privacy concerns. (See William and Jean Hass vs Penn Utilities Commission)
- 19) Both the Pennsylvania and US Constitutions guarantee a right to privacy to Petitioners, conferring on them the right to make fundamental decisions regarding their lives, their homes and properties without undue government interference. Bowser v. Bear County Children and Youth Services
- 20) Under the Pennsylvania Constitution the right to privacy is fundamental and sacrosanct. This fundamental right to privacy flows from the constitution, Article 1 – Section 1, which guarantees citizens “certain inherent and infeasible rights”. Among which are those of enjoying and defending life, liberty, or acquiring possessing and protecting property and reputation and of pursuing their own happiness.

Act 129 also substantially interferes with petitioner’s fundamental right to body integrity, in that it imposes a governmentally mandated interference with petitioners bodies through RF.  
Rideout v. the Hersey Medical Center, 1995 WC924561 at #14, PA P+C 4<sup>th</sup> 57 (PA. Com. PL., Dauphin County 1995)  
 (The concept of bodily integrity encompasses “the right of every individual to be left alone, free from unwanted restraint, interference, or touching”)  
 (Citing Curzan v. Director , Missouri Dept. Of Health, 497US261, 110S.Ct. 2841, 2846 47 (1990).)  
 (Citing William + Jean Haas vs. Penn Public Utilities Commission)

- 21) Mr. Platt’s bodily integrity has already been violated by exposure to his neighbor’s mandated Smart Meter and his severe reaction to same.
- 22) Any installation of a Smart Meter on the Platt’s property would abrogate the plethora of scientific and remedial evidence as to the dangers of Smart Meters. In addition, any installation would break all the afore mentioned laws, as will violating the Platt’s right to their own bodily safety and integrity.
- 23) Forcing Pennsylvanians to endanger their health by compulsory and unconstitutional smart meter installations is a violation of the Energy Policy Act of 2005 which delineated Act 129 as an OPT-IN Measure
- 24) PA TITLE 66/1501 decrees that electric service “MUST BE SAFE AND REASONABLE”.  
 Complainants’ emphasis) for all the nimity of foregoing reasons, mandating smart meters violates and deracinates PA Title 66/501.
- 25) The 4<sup>th</sup> amendment guarantees’ the right to freedom from unreasonable search and seizure. Concomitant with this right is freedom from unreasonable governmental intrusion.  
 If the utility company were to seize the Platt’s analog meter and replace it with a toxic and dangerous Smart Meter, this would violate the Platt’s 4<sup>th</sup> amendments’ rights. Therefore, the Platt’s prayer is to allow them to keep their current analog meter, and enjoy the rights conferred by both state and federal constitutions.

Respectfully submitted: CC

  
 Deborah Engisch-Platt 3/31/2020

  
 Kim Platt 3/31/2020

CC: I hereby certify that I have served  
Administrative Law Judge Joel Cheskis  
Metropolitan Edison Company: Lauren M. Lepkosiki, Esq. / Tori L. Giesler, Esq.  
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