

August 25, 2020

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

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

Secretary Chiavetta:

Enclosed for filing is the Complainants' *Motion to Remove Sanctions* in the above-referenced proceeding.

Respectfully submitted,

Handwritten signatures of John Holder and Janet Holder in blue ink. The signature of John Holder is on the left and Janet Holder is on the right. A horizontal line is drawn below the signatures.

John Holder, Janet Holder

Docket Nos. F-2019-3008809 and F-2019-3008832

CERTIFICATE OF SERVICE

We hereby certify that true and correct copies of Complainants' *Motion to Remove 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):

VIA ELECTRONIC MAIL

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Administrative Law Judge Elizabeth Barnes
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Harrisburg, PA 17120

Date: August 25, 2020



Complainants' Motion to Remove Sanctions

1. On May 26, 2020, this Court issued an order granting sanctions against the Complainants.
2. These sanctions were predicated specifically upon the Complainants' not having provided their medical records to Respondent PPL Electric Utilities.
3. The imposed sanctions precluded the Complainants from presenting any and all arguments relating to the installation of PPL Electric's AMI smart meters inasmuch as Complainants' allegations were to pertain to issues concerning biological and health effects.
4. At the Initial Hearing, held on August 6, 2020 concerning this matter, Complainant John Holder asked the following direct question:

"Is there anyone at this proceeding who can explain—giving a coherent, logical reason—what our medical records have to do with this case any more than our drivers' licenses?"

5. No one attending the hearing responded with a single word.
6. Complainant Holder asked the very same question a second time.
7. Again, no one attending the hearing responded.
8. Complainant Holder then read into the record the following statements:

"This proceeding is about the finding of facts."

"For the record, here is a most fundamental fact: The Complainants' medical records have nothing to do with our Complaint. They have nothing to do with whether or not smart meters are safe or reasonable."

"To our knowledge, we (Complainants John and Janet Holder) do not have any health conditions."

"Our concerns are not about the exacerbation of, or contribution to, health conditions due to exposure to RF from smart meters."

"Our concerns legitimately have to do only with causation, that is, the potential of RF emitted by smart meters to cause adverse health effects in the future."

9. 66 Pa. C.S. § 1501 states: "Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public."

10. If RF radiation and fields are capable of causing biological and/or adverse health effects, these agents are capable of causing such effects irrespective of whether or not the Complainants have produced their medical records. Therefore, even with the decided disadvantage of having been denied permission to present highly relevant evidentiary exhibits of exceptional credibility and reasonable probative value, the Complainants have every right under due process, and through means of argumentation and cross-examination, to challenge the safety of PPL Electric's AMI meters pursuant to 66 Pa. C.S. § 1501.

11. 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 RF, an agent that has been specifically identified and scientifically classified as a possible human carcinogen and associated positively with biological hazard and risk.

12. The Complainants clearly should not have been, and should not continue to be, precluded from exercising their due process right to fully litigate claims that radiofrequency radiation and RF fields resulting from the operation of PPL Electric's AMI smart meters, were such devices to be installed on the Complainants' homes, potentially could cause future biological and/or adverse health effects.

WHEREFORE,

The Complainants file this *Motion to Remove Sanctions* that previously have been imposed upon them and which have deprived them of due process, which, in accordance with "the principles of common fairness," would have permitted them the "opportunity to be heard on the issues" (*Hess v. Pa. PUC*, 107 A.3d 246, 266 (Pa. Cmwlth. 2014)) and to "conduct such cross-examination as may be required for a full and true disclosure of the facts." (66 Pa. C.S. § 332(c).)

For this and all of the foregoing reasons, the Complainants respectfully request that this Court justly remove the sanctions that have been imposed upon the Complainants such that the Complainants no longer shall be deprived of their due process right to fully litigate issues concerning potential causation of biological and adverse health effects as a result of the installation of PPL Electric's AMI meters.

Respectfully submitted,



John Holder, Janet Holder