

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Kim Martin

v.

Metropolitan Edison Company

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C-2017-2631482

**INITIAL DECISION**

Before  
Jeffrey A. Watson  
Administrative Law Judge

**INTRODUCTION**

Complainant filed a Formal Complaint against Respondent objecting to the installation of a smart meter at her residence. This decision dismisses the Formal Complaint due to Complainant's failure to meet her burden of proof that installation of a smart meter by Respondent violates the Public Utility Code or a regulation or order of the Commission.

**HISTORY OF THE PROCEEDING**

Kim Martin (Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Metropolitan Edison Company (Respondent, Met-Ed, or Company) on October 25, 2017, objecting to the installation of a smart meter at her residence located at 4030 Sherwood Drive, York, PA (service location or service address) due to health concerns. Attached to her Complaint was an unsigned letter purportedly written by Complainant's doctor and a 10-day shut-off notice. As relief, Complainant requested that the Commission not force her to have a smart meter at her residence.

On November 20, 2017, Respondent filed an Answer and New Matter denying the material allegations in the Complaint.

On November 20, 2017, Respondent also filed Preliminary Objections to the Complaint.

On January 9, 2018, a Motion Judge Assignment Notice was issued assigning this proceeding to the undersigned presiding officer.

On November 14, 2018, an Interim Order was issued denying Respondent's Preliminary Objections.

On November 19, 2018, an Interim Order was entered establishing a procedural schedule. On July 26, 2019, an Interim Order was entered revising the procedural schedule.

On November 12, 2019, the Commission issued a Call-in Telephone Hearing Notice, scheduling an evidentiary hearing for January 10, 2020. On December 5, 2019, an Interim Order Confirming Requirements for Evidentiary Hearing was entered.

On January 10, 2020, an evidentiary hearing was held. Complainant presented her case through her own testimony. Respondent presented its case through the testimony of Company employee Mr. John Ahr. Complainant's Exhibits A<sup>1</sup>, B, and C were admitted into evidence, and official notice was taken of Complainant's Exhibits M and N<sup>2</sup> and Respondent's Exhibits PD-1, PD-2, and PD-3.

On February 19, 2020, an Interim Order Setting Briefing Schedule was entered, and on April 10, 2020, an Interim Order was entered extending the briefing schedule. The

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<sup>1</sup> Exhibit A was admitted for the limited purpose of showing that Complainant submitted it to Respondent prior to filing her Complaint, and was excluded for any other purpose. Tr. 45:14-23.

<sup>2</sup> Exhibits M and N are copies of 52 Pa. Code § 57.251 and the 14th Amendment to the U.S. Constitution, Section 1, respectively.

briefing schedule was extended a second time by Interim Order entered May 11, 2020, which required briefs to be filed by June 1, 2020.

On May 28, 2020, Complainant made two separate filings with the Commission's Secretary's Bureau, one with a cover letter dated April 16, 2020, with a document titled "Brief," and another that consists of documents labeled "Exhibits M, N, O, and P." These documents were not admitted and thus are not part of the evidentiary record.

On June 1, 2020, Respondent filed its main brief.

On July 1, 2020, an Interim Order was issued closing the evidentiary record.

### FINDINGS OF FACT

1. Complainant is Kim Martin, who resides at 4030 Sherwood Drive, York, PA (service location or service address).
2. Respondent is Metropolitan Edison Company, an electric distribution company (EDC), that provides residential electric service to Complainant at the service address.
3. Act 129 of 2008 required EDCs with more than 100,000 customers to adopt smart meter technology procurement and installation plans (SMTPIPs).<sup>3</sup>
4. Met-Ed's SMTPIP was submitted to the Commission on August 14, 2009.<sup>4</sup>
5. On June 9, 2010, the Commission entered an Order approving Respondent's SMTPIP with modifications.<sup>5</sup>

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<sup>3</sup> Tr. 113:1-5, 114:6-11; PD-1.

<sup>4</sup> Tr. 115:19-21.

<sup>5</sup> Tr. 116:19-21; PD-3.

6. Respondent filed its initial smart meter deployment plan (SMDP) with the Commission on December 31, 2012.<sup>6</sup>

7. The Commission approved Respondent's final SMDP by Order entered June 5, 2014.<sup>7</sup>

8. The SMDP provides "no opt-out for customers."<sup>8</sup>

9. Met-Ed's SMDP requires Met-Ed to deploy 98.5% of smart meters to its customer service locations by mid-2019, and the remaining 1.5% of smart meters, which are located in hard-to-access locations, such as remote hunting cabins, by 2022.<sup>9</sup>

10. Respondent's smart meters are compliant with the standards set by the Federal Communications Commission (FCC) and the American National Standards Institute (ANSI) and are Underwriter Laboratory (UL) certified.<sup>10</sup>

11. On October 25, 2016, the Company sent a pre-installation letter to Complainant regarding the installation of a smart meter at the service location.<sup>11</sup>

12. On April 30, 2017, the Company's contractor, Wellington Energy, attempted to install a smart meter at the service location, but Complainant refused.<sup>12</sup>

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<sup>6</sup> Tr. 118:16-17.

<sup>7</sup> Tr. 118:20-23; PD-4.

<sup>8</sup> Exhibit JCA-1.

<sup>9</sup> *Id.*; Tr. 122:5-123:4.

<sup>10</sup> Tr. 123:11-124:4.

<sup>11</sup> Tr. 125:14-17; JCA-3.

<sup>12</sup> Tr. 125:25-126:4; JCA-3.

13. On May 2, 2017, a Company representative attempted to contact Complainant, but the telephone number associated with the Complainant's electric service account was no longer in service.<sup>13</sup>

14. On June 14, 2017, Respondent sent a pre-disconnection warning letter to Complainant.<sup>14</sup>

15. On July 5, 2017, Respondent sent a service termination notice to Complainant due to her refusal to allow access to install a smart meter.<sup>15</sup>

16. On July 11, 2017, Complainant contacted Respondent to refuse the installation of the smart meter.<sup>16</sup>

17. On July 25, 2017, Respondent sent a second service termination notice to Complainant due to her refusal to allow access to install a smart meter.<sup>17</sup>

18. On August 4, 2017, a Company representative attempted to make contact with Complainant, but the telephone number associated with Complainant's electric service with the Company was no longer in service.<sup>18</sup>

19. On August 7, 2017, the Company received an email from Complainant's physician.<sup>19</sup>

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<sup>13</sup> Tr. 126:7-10; JCA-3.

<sup>14</sup> Tr. 126:13-16; JCA-3.

<sup>15</sup> Tr. 126:19-22; JCA-3.

<sup>16</sup> Tr. 127:1-12; JCA-3.

<sup>17</sup> Tr. 127:15-18; JCA-3.

<sup>18</sup> Tr. 128:3-7; JCA-3.

<sup>19</sup> Tr. 128:10-15; JCA-3.

20. Upon receipt of the communication from Complainant's physician, the Company temporarily delayed the installation of a smart meter at the service location.<sup>20</sup>

21. In September 2017, the Company reached the end of its deployment schedule in Complainant's area and needed to install smart meters on all the remaining service locations, including Complainant's residence.<sup>21</sup>

22. On September 26, 2017, the Company sent a pre-disconnection warning letter to Complainant.<sup>22</sup>

23. On October 6, 2017 and October 18, 2017, the Company issued service termination notices to Complainant due to her refusal to allow the Company to install a smart meter.<sup>23</sup>

24. On October 25, 2017, the Complainant contacted the Company and stated she had filed a formal complaint with the Commission.<sup>24</sup>

25. On October 27, 2017, a Company representative attempted to contact Complainant, but the telephone number associated with Complainant's electric service account was no longer in service.<sup>25</sup>

26. Complainant did not update her telephone number in the Company's records until September 20, 2019.<sup>26</sup>

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<sup>20</sup> Tr. 128:10-129:12; JCA-3.

<sup>21</sup> Tr. 129:7-12; Exhibits A and JCA-3.

<sup>22</sup> Tr. 129:18-22; JCA-3.

<sup>23</sup> Tr. 129:25-130:4; JCA-3.

<sup>24</sup> Tr. 130:7-10; JCA-3.

<sup>25</sup> Tr. 130:12-17; JCA-3.

<sup>26</sup> Tr. 145:17-19.

27. On October 31, 2017, Met-Ed received notice of the filing of the Complaint in the instant proceeding and ceased termination efforts.<sup>27</sup>

28. As of the date of the hearing, Met-Ed has not installed a smart meter at the service location.<sup>28</sup>

29. Complainant offered her own lay witness testimony at the hearing.<sup>29</sup>

30. Complainant oftentimes suffers from extreme debilitating migraine headaches, insomnia, anxiety, tinnitus, depression, nausea, and vomiting.<sup>30</sup>

31. Complainant is not under a physician's care for these symptoms.<sup>31</sup>

32. Respondent offered testimony of Company employee, John Ahr.<sup>32</sup>

## DISCUSSION

### Legal Standards

Under Section 332(a) of the Public Utility Code, 66 Pa.C.S. § 332(a), “the proponent of a rule or order has the burden of proof.” It is well-established that “[a] litigant’s burden of proof before administrative tribunals as well as before most civil proceedings is satisfied by establishing a preponderance of evidence which is substantial and legally credible.” *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm’n*, 578 A.2d 600, 602 (Pa.Cmwlth. 1990). The

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<sup>27</sup> Tr. 130:20-22.

<sup>28</sup> Tr. 130:23-25.

<sup>29</sup> Tr. 21:13-106:15.

<sup>30</sup> Tr. 26:2-11.

<sup>31</sup> Tr. 27:5-7.

<sup>32</sup> Tr. 107:20-161:6.

preponderance of evidence standard requires proof by a greater weight of the evidence. *Commonwealth v. Williams*, 557 Pa. 207, 732 A.2d 1167 (1999). This standard is satisfied by presenting evidence more convincing, by even the smallest amount, than that presented by another party. *Brown v. Commonwealth*, 940 A.2d 610, 614 n.14 (Pa.Cmwlth. 2008).

If the party seeking a rule or order from the Commission sets forth a *prima facie* case, then the burden shifts to the opponent. *MacDonald v. Pa. R.R. Co.*, 348 Pa. 558, 36 A.2d 492 (1944). Establishing a *prima facie* case requires either evidence sufficient to make a finding of fact permissible or evidence to create a presumption against an opponent which, if not met, results in an obligatory decision for the proponent. Once a *prima facie* case has been established, if contrary evidence is not presented, there is no requirement that the party seeking a rule or order from the Commission must produce additional evidence to sustain its burden of proof. See *Replogle v. Pa. Elec. Co.*, 54 Pa. PUC 528, 1980 Pa. PUC LEXIS 20 (Order entered Oct. 9, 1980); see also *Dist. of Columbia's Appeal*, 21 A.2d 883 (Pa. 1941); *Application of Pennsylvania-American Water Co. for Approval of the Right To Offer, Render, Furnish or Supply Water Serv. to the Pub. in Additional Portions Of Mahoning Twp., Lawrence County, Pa.*, Docket No. A-212285F0148, 2008 Pa. PUC LEXIS 874 (Order entered Oct. 29, 2008).<sup>33</sup>

In smart meter related matters, the Commission has held that “[t]he Complainant will have the burden of proof during the proceeding to demonstrate, by a preponderance of the evidence, that [the utility] is responsible or accountable for the problem described in the Complaint.” *Kreider v. PECO Energy Co.*, Docket No. P-2015-2495064, p. 18 (Order entered Sept. 3, 2015); see also *Romeo v. Pa. Pub. Util. Comm’n*, 154 A.3d 422, 429 (Pa.Cmwlth. 2017) (finding that the smart meter complainant should have an opportunity to try to prove his claim through “the testimony of others as well as other evidence that goes to that issue.”)

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<sup>33</sup> In addition, any finding of fact necessary to support an adjudication of the Commission must be based upon substantial evidence. *Met-Ed Indus. Users Grp. v. Pa. Pub. Util. Comm’n*, 960 A.2d 189, 193 n.2 (Pa.Cmwlth. 2008) (citing 2 Pa.C.S. § 704). Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *Borough of E. McKeesport v. Special/Temporary Civil Serv. Comm’n*, 942 A.2d 274, 281 n.9 (Pa.Cmwlth. 2008) (citation omitted). Although substantial evidence must be “more than a scintilla and must do more than create a suspicion of the existence of the fact to be established,” *Kyu Son Yi v. State Bd. of Veterinary Med.*, 960 A.2d 864, 874 (Pa.Cmwlth. 2008) (citation omitted), the “presence of conflicting evidence in the record does not mean that substantial evidence is lacking.” *Allied Mech. and Elec., Inc. v. Pa. Prevailing Wage Appeals Bd.*, 923 A.2d 1220, 1228 (Pa.Cmwlth. 2007) (citation omitted).

When presented with a challenge to a smart meter installation, the Commission has pronounced that “[t]he ALJ’s role . . . will be to determine based on the record in [the] particular case, whether there is sufficient evidence to support a finding that Complainant was adversely affected by the smart meter or whether [the utility’s] use of a smart meter will constitute unsafe or unreasonable service in violation of Section 1501 under the circumstances in this case.” *Kreider v. PECO Energy Co.*, Docket No. P-2015-2495064 at 23 (Order entered Jan. 28, 2016) (citing *Woodbourne-Heaton*, 1992 Pa. PUC Lexis 160, at \*12-13). *Frompovich v. PECO Energy Co.*, Docket No. C-2015-2474602 (Opinion and Order entered May 3, 2018 at 10).

Section 701 of the Public Utility Code provides that “any person . . . having an interest in the subject matter . . . may complain in writing, setting forth any act or thing done or omitted to be done by any public utility in violation, or claimed violation, of any law which the commission has jurisdiction to administer, or of any regulation or order of the commission.” 66 Pa.C.S. § 701. Therefore, a complainant must generally demonstrate that the public utility violated the Public Utility Code or a Commission regulation or order.

Section 1501 of the Public Utility Code states, in pertinent part, that:

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. Such service also shall be reasonably continuous and without unreasonable interruptions or delay. Such service and facilities shall be in conformity with the regulations and orders of the commission. Subject to the provisions of this part and the regulations or orders of the commission, every public utility may have reasonable rules and regulations governing the conditions under which it shall be required to render service....

66 Pa.C.S. § 1501.

The Commission has exclusive jurisdiction to adjudicate “issues involving the reasonableness, adequacy, and sufficiency” of a public utility’s facilities and services. *See Elkin v. Bell of Pa.*, 420 A.2d 371, 374 (Pa. 1980) (citations omitted).

### Smart Meter Mandate

On October 15, 2008, Act 129 was signed into law and codified as part of the Public Utility Code (Code).<sup>34</sup> Act 129 required EDCs with at least 100,000 customers, such as Met-Ed, to file a SMTPIP with the Commission for approval.<sup>35</sup> Specifically, Section 2807(f)(2) of the Code directed EDCs to furnish smart meter technology as follows: 1) upon request from a customer that agrees to pay the cost of the smart meter at the time of the request; 2) in new building construction; and 3) in accordance with a depreciation schedule not to exceed fifteen years.<sup>36</sup>

On June 24, 2009, the Commission entered an Implementation Order declaring, “The Commission believes that it was the intent of the General Assembly to require all covered EDCs to deploy smart meters *system-wide*....”<sup>37</sup> The Commission approved Respondent’s final SMDP by Order entered June 5, 2014.<sup>38</sup> Met-Ed’s final SMDP requires Met-Ed to deploy 98.5% of smart meters to its customer service locations by mid-2019, and the remaining 1.5% of smart meters, which are located in hard-to-access locations, such as remote hunting cabins, by 2022.<sup>39</sup> The SMDP provides “no opt-out for customers.”<sup>40</sup>

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<sup>34</sup> 66 Pa.C.S. § 101, *et seq.*

<sup>35</sup> 66 Pa.C.S. § 2807(f).

<sup>36</sup> 66 Pa.C.S. § 2807(f)(2).

<sup>37</sup> PD-4 (emphasis added).

<sup>38</sup> Tr. 118:20-23; Exhibit JCA-1 (containing a copy of Met-Ed's final SMDP approved by the Commission at Docket Nos. M-2003-2341990, M-2003-2341991, M-2013-2341993, M-2003-2341994 (filed June 16, 2014)).

<sup>39</sup> Tr. 122:5-123:4; Exhibit JCA-1.

<sup>40</sup> Exhibit JCA-1.

Complainant argues she has a Constitutional right to “live life as [she] choose[s] to, as long as [she] break[s] no law.”<sup>41</sup> Furthermore, she argues that the installation plans approved by and Orders issued by the Commission do not apply to her, and she is not subject to Act 129.<sup>42</sup> She also argues that the Commission has “violated its mandate by misconstruing [ ] the legislative intent of Section 208 (f)(2) of Act 129.”<sup>43</sup>

Commission precedent supports Respondent’s position that the Commission cannot grant exceptions to the statutory directive that smart meters be installed at all service locations and allow customers to “opt-out.”<sup>44</sup> Neither the Company’s Commission-approved SMDP nor Act 129 provide for such opt-outs to occur.<sup>45</sup> The Commission has recently reaffirmed this conclusion, holding in a similar complaint proceeding that: (1) there is no provision in the Code or Commission regulations or Orders that allows a customer to “opt-out” of a smart meter installation; (2) there is Commission precedent that no opt-out provision exists in current Pennsylvania law; and (3) the EDC is legally required to install smart meters by Act 129 and Commission Orders.<sup>46</sup>

The issue of whether smart meters are required by Act 129 and Commission Orders is a question of law, which at this point is well-settled under Commission precedent. In addition, Complainant presented no evidence to show that Respondent’s refusal to allow Complainant to opt-out of smart meter installation is in any way a violation of the Company’s SMTPIP or SMDP or any Commission Order. Accordingly, this claim is not supported by the evidence and must be dismissed.

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<sup>41</sup> Tr. 33:4-7.

<sup>42</sup> Tr. 33:12-17.

<sup>43</sup> Tr. 34:23-35-8.

<sup>44</sup> See, e.g., *Lutherschmidt v. Metro. Edison Co.*, Docket No. C-2010 2200353 (Final Order entered March 25, 2011); *Negley v. Metro. Edison Co.*, Docket No. C-2010-2205305 (Initial Decision dated January 3, 2011 became final without Commission action on March 3, 2011).

<sup>45</sup> 66 Pa.C.S. § 2807(f); Exhibit JCA-1.

<sup>46</sup> *Hoffman-Lorah v. PPL Elec. Util. Corp.*, Docket No. C-2018-2644957 (Order entered May 23, 2019).

## Unreasonable or Inadequate Service

Complainant testified about the reasons why she does not want a smart meter and addressed her concerns related to her health. Pursuant to Section 1501 of the Code, 66 Pa.C.S. § 1501, public utilities have a duty to maintain safe, adequate and reasonable service and facilities and to make repairs, changes, and improvements that are necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public.<sup>47</sup>

At the hearing, Complainant testified smart meters pose a health risk to her as she suffers from a sensitivity to “electric magnetic frequencies”<sup>48</sup> (EMFs). She testified she is not under a physician’s care for this condition<sup>49</sup>, and it is unclear from the record whether this condition has been diagnosed by a medical professional or whether it is self-diagnosed by Complainant. While Complainant may indeed suffer from the symptoms to which she testified, her evidence they are caused by EMFs and would be affected or worsened by a smart meter if one were to be installed at her residence consists solely of her unsubstantiated personal feelings, opinions, and beliefs. Assertions, personal opinions, or perceptions do not constitute evidence.<sup>50</sup>

Mr. Ahr testified that Respondent’s smart meters are compliant with the standards set by the FCC and the ANSI and are UL certified.<sup>51</sup> He also testified that he was in agreement with the statement that there were no health risks posed by smart meters<sup>52</sup> and that he was not aware of any smart meter malfunctioning such that it would affect Complainant’s health.<sup>53</sup>

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<sup>47</sup> The relevant portion of Section 1501 is provided above at pp. 9-10 of this decision.

<sup>48</sup> Tr. 22:15-17.

<sup>49</sup> Tr. 27:5-7.

<sup>50</sup> *Pa. Bureau of Corrections v. City of Pittsburgh*, 532 A.2d 12 (Pa. 1987).

<sup>51</sup> Tr. 123:11-124:4.

<sup>52</sup> Tr. 148:11-12.

<sup>53</sup> Tr. 157:16-19.

Complainant failed to meet her burden to demonstrate that the Company's installation of a smart meter at her residence constitutes unreasonable or inadequate service. Accordingly, Complainant's claims must be dismissed.

### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter in this proceeding. 66 Pa.C.S. §701.

2. Under Section 332(a) of the Pennsylvania Public Utility Code, the proponent of a rule or order has the burden of proof. 66 Pa.C.S. § 332(a). It is well established that "[a] litigant's burden of proof before administrative tribunals as well as before most civil proceedings is satisfied by establishing a preponderance of evidence which is substantial and legally credible." *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600, 602 (Pa.Cmwlth. 1990).

3. The preponderance of evidence standard requires proof by a greater weight of the evidence. *Commonwealth v. Williams*, 557 Pa. 207, 732 A.2d 1167 (1999). This standard is satisfied by presenting evidence that makes the existence of a contested fact more likely than its nonexistence. *Brown v. Commonwealth*, 940 A.2d 610, 614 n.14 (Pa.Cmwlth. 2008) (citation omitted).

4. In smart meter-related matters, the Commission has held that "[t]he Complainant will have the burden of proof during the proceeding to demonstrate, by a preponderance of the evidence, that [the utility] is responsible or accountable for the problem described in the Complaint." *Kreider v. PECO Energy Co.*, Docket No. P-2015-2495064, p. 18 (Order entered Sept. 3, 2015).

5. Section 701 of the Public Utility Code provides that "any person . . . having an interest in the subject matter . . . may complain in writing, setting forth any act or thing done or omitted to be done by any public utility in violation, or claimed violation, of any law

which the commission has jurisdiction to administer, or of any regulation or order of the commission.” 66 Pa.C.S. § 701.

6. The Commission has exclusive jurisdiction to adjudicate “issues involving the reasonableness, adequacy, and sufficiency” of a public utility’s facilities and services. *See Elkin v. Bell of Pa.*, 420 A.2d 371, 374 (Pa. 1980) (citations omitted).

7. When presented with a challenge to a smart meter installation, the Commission has pronounced that “[t]he ALJ’s role . . . will be to determine based on the record in this particular case, whether there is sufficient evidence to support a finding that Complainant was adversely affected by the smart meter or whether [the utility’s] use of a smart meter will constitute unsafe or unreasonable service in violation of Section 1501 under the circumstances in this case.” *Kreider v. PECO Energy Co.*, Docket No. P-2015-2495064, p. 23 (Order entered Jan. 28, 2016) (citation omitted).

8. To satisfy his or her burden of proof, a complainant must demonstrate that the utility violated the Public Utility Code or a regulation or order of the Commission. 66 Pa.C.S. § 701. This must be shown by a preponderance of the evidence. *Patterson v. Bell Telephone Co. of Pa.*, 72 Pa. PUC 196 (1990).

9. Upon the presentation by a complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with the evidence, sometimes called the burden of persuasion, to rebut the evidence of the complainant shifts to the respondent. If the evidence presented by the respondent is of co-equal weight, the complainant has not satisfied the burden of proof. The complainant now has to provide some additional evidence to rebut the evidence of the respondent. *Burleson v. Pa. Pub. Util. Comm’n*, 443 A.2d 1373 (Pa.Cmwlth. 1982), *aff’d*, 501 Pa. 433, 461 A.2d 1234 (1983).

10. While the burden of persuasion may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. Pub. Util. Comm’n*, 768 A.2d 1217 (Pa.Cmwlth. 2001).

11. Assertions, personal opinions, or perceptions do not constitute evidence. *Pa. Bureau of Corrections v. City of Pittsburgh*, 532 A.2d 12 (Pa. 1987).

12. A public utility is required to provide adequate, efficient, safe, and reasonable service. 66 Pa.C.S. §§ 102 and 1501.

13. There is no specific provision in the Code or the Commission's regulations or orders that provides that an electric distribution customer may opt-out of smart meter installation. *Povacz v. PECO Energy Co.*, Docket No. C-2012-2317176 (Opinion and Order entered January 24, 2013).

14. Act 129 of 2008, 66 Pa.C.S. § 2806.1 *et seq.*, requires electric distribution companies to file smart meter technology procurement and installation plans with the Commission for approval. 66 Pa.C.S. § 2807(f).

15. A utility may issue written notice of termination to a customer if a customer does not permit access to meters, service connections, or other property of the public utility for the purpose of replacement, maintenance, repair, or meter reading, including the installation of a smart meter. 66 Pa.C.S. § 1406(a)(4); 52 Pa.Code § 56.81(3).

16. Complainant failed to carry her burden of proof establishing that Met-Ed violated the Public Utility Code or a regulation or order of the Commission in requiring installation of a smart meter at Complainant's property. 66 Pa.C.S. § 332.

17. Complainant failed to carry her burden of proof establishing that Met-Ed provided unsafe or unreasonable service in violation of 66 Pa.C.S. § 1501.

