

DOCKET # C-2018-3006031

Hearing Date: July 24, 2020

EXHIBIT	DESCRIPTION
ALJ-1	E-mail and attachment dated 9/2019 regarding Dr. Semelka
ALJ-2	E-mail and attachment dated 11/2019 regarding Dr. Semelka
ALJ-3	E-mail chain regarding service
ALJ-4	Statement A, testimony of Dr. Michael Semelka
ALJ-5	Statement B, testimony of Mr. Jennings
A	West End Power's response to interrogatories set one and set two (portions not admitted)
LL	Photographs of smart meter and tree at the Jennings' property

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Pallas, Dan

From: Susan Jennings <lilmac2@zoominternet.net>
Sent: Thursday, July 23, 2020 12:13 PM
To: Pallas, Dan; c-renner@w-r.com; Dr. Michael Semelka
Subject: [External] Fwd: New due date for testimony
Attachments: Dr Semelka's Testimony.docx

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Here is the testimony I received.

Susan Jennings BA, MPA
Oils of Grace, LLC
Silver Wellness Advocate for dōTERRA®
WA # - 501975
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Begin forwarded message:

From: "Semelka, Mike" <msemelka@ExcelaHealth.org>
Subject: RE: New due date for testimony
Date: September 9, 2019 at 12:21:50 PM EDT
To: 'Susan Jennings' <lilmac2@zoominternet.net>

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7/24/20
Exhibit-ALJ-1

Pallas, Dan

From: Susan Jennings <lilmac2@zoominternet.net>
Sent: Thursday, July 23, 2020 12:37 PM
To: Pallas, Dan; Giesler, Tori; Dr. Michael Semelka
Subject: [External] Fwd: Additional things needed for your testimony!
Attachments: Dr. Semelka's Testimony.docx

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Begin forwarded message:

From: "Semelka, Mike" <msemelka@ExcelaHealth.org>
Subject: RE: Additional things needed for your testimony!
Date: October 17, 2019 at 12:39:54 PM EDT
To: 'Susan Jennings' <oilsofgrace@hotmail.com>

Susan,
Here are the 5 additional questions for my testimony. Exhibits look good. Thanks.

MS

From: Susan Jennings [<mailto:oilsofgrace@hotmail.com>]
Sent: Thursday, October 17, 2019 11:55 AM
To: Semelka, Mike <msemelka@ExcelaHealth.org>
Subject: Additional things needed for your testimony!

Hi, Dr. Semelka,

I have managed to get more time for our testimony due date as West Penn Power has not signed an agreement to protect our confidential info. I spoke with a lady who has been helping us & she said I should prepare exhibits for your references. I also got

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Exhibit-ALJ-2

your testimony document in the format I have seen online. I have attached both of these for your review. I added "confidential" to the top of the pages, too.

- There are 5 questions at the very top of your testimony I need you to answer. You can do so in the document.
- Make sure I grabbed the correct exhibits in the Exhibit PDF.

I think that is it for now!

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Pallas, Dan

From: Pallas, Dan
Sent: Thursday, July 09, 2020 1:24 PM
To: Susan Jennings
Subject: RE: [External] In need of clarification

Due to the COVID-19 Pandemic, the Commission is operating electronically, so do not send anything by U.S. Mail. For Judge Watson, your exhibits should be in one PDF and emailed to me at this email address if they are under 10 Mb. If your exhibits are too large to email to me, then call Shirley Spunaugle at the Secretary's Bureau and she will run you through the process of getting set up on a data repository that accepts larger amounts of data. The Secretary's Bureau will then upload your exhibits into your docket and let Judge Watson know that the exhibits are in your docket. Shirley's phone number is **717-772-4945**.

Email your exhibits to the utility attorneys as well. Make sure to include a certificate of serve with all your emails.

You can email at this email address if you have further questions.

Dan Pallas, Legal Assistant
PA Public Utility Commission
Office of Administrative Law Judge
301 Fifth Ave., Suite 220, Piatt Place
Pittsburgh PA 15222
EMAIL: dpallas@pa.gov
PH: 412-565-3555
FAX: 412-565-5692

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From: Susan Jennings <lilmac2@zoominternet.net>
Sent: Thursday, July 09, 2020 12:48 PM
To: Pallas, Dan <dpallas@pa.gov>
Subject: [External] In need of clarification

C-2018-3006031
7/24/20
Exhibit-ALJ-3

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re: Jennings C-2018-3006031

Hi, Dan,

We are in receipt of the Interim Order Converting In-Person Hearings to Telephonic Hearings, the Corrected Call In Telephonic Hearing Notice and the Emergency Order Docket No. M-2020-3019262. Information in the three documents are contradictory and we need some clarification.

The Interim Order states, p. 3, #4, "...in addition to filing the document with the Commission Secretary and providing a copy by mail to the opposing party and the undersigned presiding officer."

The Corrected Hearing Notice states, p.3, "...and one (1) copy each must be sent to every other party." Is that by mail or email?

The Emergency Order states, p. 3, "The Commission is not currently sending or receiving mail from or to an of its principal places of business...the Commission shall waive the requirement for paper filings and shall accept only e-filings of all documents. 52 Pa. Code § 1.4...service by the Commission on parties will be exclusively electronic and service on Commission staff, as a party or otherwise, also shall be exclusively electronic."

We hope you see why this is confusing and appreciate your time to clarify this matter. Since we are pro se, we do not know the ins and outs, and want to make sure we are doing what is required of us.

Thanks so much,
Mike and Susan Jennings

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL JENNINGS :
 :
v. : **Docket No. C-2018-3006031**
 :
WEST PENN POWER COMPANY :

**Rebuttal Testimony
of
John C. Ahr**

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List of Topics Addressed

Overview of West Penn Power Company's Smart Meter Program
Smart Meter Safety

C-2018-3006031
7/24/20

Exhibit-ALJ-5

1
2
3

**REBUTTAL TESTIMONY
OF
JOHN C. AHR**

4 **I. INTRODUCTION AND BACKGROUND**

5 **Q. Please state your name and business address for the record.**

6 A. My name is John C. Ahr. My business address is 800 Cabin Hill Drive, Greensburg,
7 Pennsylvania 15601.

8 **Q. By whom are you employed and in what capacity?**

9 A. I am employed by FirstEnergy Service Company, which is a direct subsidiary of
10 FirstEnergy Corp. (“FirstEnergy”), as the Advisor, Regulatory Compliance – Smart
11 Meter, and previously its precursor position as Manager, Regulatory Compliance –
12 Smart Meter.

13 **Q. How long have you worked for FirstEnergy Service Company?**

14 A. I have worked for over thirty-five years with subsidiaries of FirstEnergy or its
15 predecessor companies (collectively, the “companies”), working in a variety of
16 positions in the engineering, operations, customer services, transmission, customer
17 support, energy efficiency and emerging technologies areas of the companies.

18 **Q. How long have you been employed in your current position?**

19 A. I have been employed in my current position since 2018 and its precursor position
20 since 2012.

21 **Q. Please describe your relevant educational background and relevant work
22 experience.**

23 A. I am a graduate of The Pennsylvania State University with a Bachelor of Science
24 Degree in Electrical Engineering. I have also earned a master’s degree in Business

1 Administration from the University of Pittsburgh. I began work with the companies
2 in 1984 as an Engineer in the distribution planning area and was promoted to the
3 Supervisor of Transmission & Distribution Operations in 1992. I subsequently held
4 a number of management positions until I was promoted to Director of System
5 Operations in 1999. Other positions I have held include Director of Energy
6 Procurement; Director of Meter Reading and Collections; Senior Consultant;
7 Manager, Customer Support and Manager, Regulatory Compliance – Smart Meter.

8 **Q. Please describe your duties and responsibilities as Advisor, Regulatory**
9 **Compliance – Smart Meter.**

10 A. As Advisor, Regulatory Compliance – Smart Meter, I am responsible for regulatory
11 compliance associated with the smart meter project, including all filings and
12 resulting regulatory processes associated with plan implementation and approval.
13 Within my role, I provide leadership, expert guidance, management and subject
14 matter expertise for the smart meter project and coordinate smart meter
15 developments among the FirstEnergy operating companies. I also serve as the Act
16 129 and smart meter subject matter expert and represent the smart meter project
17 and FirstEnergy’s operating companies on regulatory matters; assist in preparing
18 for regulatory proceedings regarding smart meters; and manage external
19 consultants and expert witnesses related to the smart meter project.

20 **Q. On whose behalf are you testifying in this proceeding?**

21 A. I am testifying on behalf West Penn Power Company (“West Penn” or the
22 “Company”).

1 **Q. Have you previously testified before the Pennsylvania Public Utility**
2 **Commission (“Commission”) or other regulatory bodies?**

3 A. Yes. I have testified before the Commission in the 2009 Petition of West Penn
4 Power Company d/b/a Allegheny Power for Expedited Approval of its Smart Meter
5 Technology Procurement and Installation Plan and in formal complaint
6 proceedings related to smart meters.¹ I have also provided testimony before the
7 West Virginia Public Service Commission in a General Investigation into the Smart
8 Grid standards set forth in the Energy Independence and Security Act of 2007 and
9 the Maryland Public Service Commission in an adjustment of fuel rate case in 1999.

10 **Q. What is the purpose of your testimony?**

11 A. The purpose of my testimony is to explain the regulatory requirements for smart
12 meter plans in Pennsylvania, West Penn’s smart meter deployment plan, and the

¹ *Petition of West Penn Power Company d/b/a Allegheny Power for Expedited Approval of its Smart Meter Technology Procurement and Installation Plan*, Docket No. M-2009-2123951 (Order dated June 30, 2011); *See, e.g., McElwain v. Penn Power Co.*, Docket No. C-2014-2451478 (Final Order dated Jan. 20, 2016); *Cronkhite v. Pennsylvania Electric Co.*, Docket No. C-2016-2557636; *Hanley v. Penn Power Co.*, Docket No. C-2016-2557487; *LaMagna v. Pennsylvania Electric Co.*, Docket No. C-2017-2608014; *Fiorito v. Pennsylvania Electric Co.*, Docket No. C-2017-2610125; *Kim Betchy v. West Penn Power Co.*, Docket No. C-2018-3000257; *Raymond Bostard v. Metropolitan Edison Co.*, Docket No. C-2018-3002753; *Kristen Eddy v. West Penn Power Co.*, Docket C-2019-3006877; *Jan and Jack Milburn v. West Penn Power Co.*, Docket No. C-2018-3002756; *Betty Hazen v. Pennsylvania Electric Co.*, Docket No. C-2017-2633811; *Dorie Adams v. West Penn Power Co.*, Docket No. C-2018-3002271; *Edward Albert Lucey v. Metropolitan Edison Co.*, Docket No. C-2018-3003679; *Diane Distefano v. Metropolitan Edison Co.*, Docket No. C-2017-2631007; *Judith Hendin v. Metropolitan Edison Co.*, Docket No. C-2018-3003324; *Thomas and Norma Mosley v. Metropolitan Edison Co.*, Docket No. C-2018-3001526; *Diana Sabatine v. West Penn Power Co.*, Docket No. C-2018-3002804; *Courtney and James Parks v. Pennsylvania Electric Co.*, Docket No. C-2018-3004227; *Cindy Kelly v. Metropolitan Edison Co.*, Docket No. C-2018-3004681; *Darlene Goss v. Pennsylvania Electric Co.*, Docket No. C-2018-3000192; *Allen Metzler v. Pennsylvania Electric Co.*, Docket No. C-2019-3010126; *Julian Beglin v. Pennsylvania Electric Co.*, Docket No. C-2019-3005272; *Kim Martin, Complainant v. Metropolitan Edison Co.*, Docket No. C-2017-2631482; *Linda Biconik v Pennsylvania Electric Co.*, Docket No. C-2017-2632380; *Christopher Macey v. West Penn Power Co.*, Docket No. C-2019-3012705; *Conchita Braun v. Metropolitan Edison Co.*, Docket No. C-2018-3003001; *Wesley Zimmerman v. West Penn Power Co.*, Docket No. C-2019-3007568; *Jessica Janosek v. West Penn Power Co.*, Docket No. C-2019-3010124; *Robert Koshinskie v. Pennsylvania Electric Co.*, Docket No. F-2018-3000401; *Jon Allan Hribal v. West Penn Power Co.*, Docket No. C-2019-3008050; *Lauren Zonka v. Metropolitan Edison Co.*, Docket No. C-2019-3007961; *Frank Gorash III v. West Penn Power Co.*, Docket No. C-2018-3006149; *Thomas and Linda Licht v. Metropolitan Edison Co.*, Docket No. C-2018-3004078; *Ethan Habrial v. Metropolitan Edison Co.*, Docket No. C-2018-3005907; *Charles and Sylvia Bolte v. Metropolitan Edison Co.*, Docket No. C-2019-3011287.

1 general features of West Penn’s smart meters, as well as to address the overall
2 safety of West Penn’s smart meters.

3 **Q. Are you sponsoring any Exhibits?**

4 A. Yes. I am sponsoring WPP Exhibits No. JCA-1 and JCA-2.

5 **II. SMART METER PLANS**

6 **Q. Are you familiar with the smart meter requirements that were imposed by the**
7 **legislature within Act 129?**

8 A. Yes. Act 129 requires all electric distribution companies (“EDCs”) with at least
9 100,000 customers to install smart meters throughout their service territories. The
10 Act also defined specific characteristics the meters need to have, which primarily
11 include bidirectional communications allowing the meter to communicate to the
12 utility and the utility to communicate to the meter; the ability to record consumption
13 data in at least hourly intervals and offer to bill customers based on this hourly-
14 consumption data; and the ability to provide customers with access to this interval
15 usage data. Specifically, it states the following:

16 **(f) *Smart meter technology and time of use rates.***

17 (1) Within nine months after the effective date of this
18 paragraph, electric distribution companies shall file a smart
19 meter technology procurement and installation plan with the
20 commission for approval. The plan shall describe the smart
21 meter technologies the electric distribution company
22 proposes to install in accordance with paragraph (2).

23 (2) Electric distribution companies shall furnish smart meter
24 technology as follows:

25 (i) Upon request from a customer that agrees to pay
26 the cost of the smart meter at the time of the request.

27 (ii) In new building construction.

28 (iii) In accordance with a depreciation schedule not
29 to exceed 15 years.²

² 66 Pa.C.S. § 2807(f).

1 **Q. Can you explain each of the three circumstances in which the utility must**
2 **furnish a smart meter to customers?**

3 A. Yes. Subpart (i) refers to early adopters of smart meters. This section applies to
4 customers who were eager to obtain a smart meter before the utility's official
5 deployment. In this situation, customers were required to pay the cost of the smart
6 meter in full at the time of the request. Subpart (ii) refers to new construction. This
7 section means that all new buildings must have a smart meter installed. Finally,
8 subpart (iii) states that all smart meters must be deployed in accordance with a
9 depreciation schedule not to exceed fifteen years.

10 **Q. Which of these prongs within (f) subpart (2) governs Met-Ed's deployment of**
11 **a smart meter at Mr. Jennings's property?**

12 A. Subpart (2)(iii), which applies to all smart meter installations in West Penn's
13 service territory.

14 **Q. Is there a definition for smart meter technology within Act 129?**

15 A. Yes. "Smart meter technology" is defined in subpart (g), which specifically states
16 the following:

17 **(g) Definition.** — As used in this section, the term "smart meter
18 technology" means technology, including metering technology and network
19 communications technology capable of bidirectional communication, that
20 records electricity usage on at least an hourly basis, including related
21 electric distribution system upgrades to enable the technology. The
22 technology shall provide customers with direct access to and use of price
23 and consumption information. The technology shall also:

24 **(1)** Directly provide customers with information on their hourly
25 consumption.

26 **(2)** Enable time-of-use rates and real-time price programs.

27 **(3)** Effectively support the automatic control of the customer's
28 electricity consumption by one or more of the following as selected by the
29 customer:

30 **(i)** the customer;

1 (ii) the customer's utility; or
2 (iii) a third party engaged by the customer or the customer's
3 utility.³

4 **Q. How did this definition for smart meter technology impact utilities such as**
5 **West Penn?**

6 A. Utilities were required to adopt smart meters that were equipped with the
7 functionality identified in this definition.

8 **Q. What steps were taken by the Commission after Act 129 was adopted?**

9 A. The Commission issued an implementation order on June 24, 2009, which provided
10 general direction to EDCs regarding their adoption of smart meter programs, which
11 required West Penn to submit its initial smart meter implementation and
12 procurement plan.⁴

13 **Q. Could you please summarize the findings of the Commission within this**
14 **Order?**

15 A. The Commission issued a number of directives within this order. I will highlight
16 some of the most important points made by the Commission. First, the Commission
17 listed all of the functionality that smart meters deployed by electric utilities were
18 required to have, such as bidirectional data communications capability; remote
19 disconnection and reconnection; ability to provide interval data; regular meter
20 reads; on-board meter storage; and ability to remotely monitor voltage levels and
21 outages. Also, the Commission ordered electric utilities with more than 100,000
22 customers to introduce smart meter technology including the capabilities I just
23 discussed and file a plan with the Commission by August 14, 2009.

³ 66 Pa.C.S. § 2807(g).

⁴ *Smart Meter Procurement and Installation*, Docket No. M-2009-2092655 (Order entered June 24, 2009).

1 **Q. Did West Penn comply with the Commission directive of filing a smart meter**
2 **technology plan by August 14, 2009?**

3 A. Yes. West Penn’s smart meter technology procurement and installation plan was
4 submitted to the Commission on August 14, 2009.⁵

5 **Q. Are you familiar with West Penn’s Smart Meter Deployment Plan?**

6 A. Yes. I assisted with the development and the filing of the Joint Petition for approval
7 of its Smart Meter Deployment Plan (“Deployment Plan”) that was filed in
8 conjunction with its sister Pennsylvania operating companies. I participated in each
9 stage of the Commission’s review of the Deployment Plan and was involved in
10 changes made to the Deployment Plan consistent with the Commission’s March 6,
11 2014 Order.⁶

12 **Q. Are you familiar with the smart meter technology that West Penn is deploying**
13 **in accordance with Act 129?**

14 A. Yes. The physical smart meter technology includes, but is not limited to, the smart
15 meters themselves, connected grid routers, range extenders, the head end consisting
16 of a collection engine and field network director, and a meter data management
17 system.

18 **Q. Did the Commission approve West Penn’s smart meter procurement and**
19 **installation plan?**

⁵ *Petition of West Penn Power Company d/b/a Allegheny Power for Expedited Approval of its Smart Meter Technology Procurement and Installation Plan*, Docket No. M-2009-2123951 (Petition dated Aug. 14, 2009).

⁶ *Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company For Approval of Their Smart Meter Deployment Plan*, Docket Nos. M-2013-2341990, M-2013-2341991, M-2013-2341993, and M-2013-2341994 (Final Order dated March 6, 2014) (“March 6, 2014 Order”).

1 A. Yes. On June 30, 2011, the Commission issued its order approving a settlement
2 reached in the West Penn's smart meter procurement and installation plan.⁷

3 **Q. After West Penn's smart meter procurement and installation plan was**
4 **approved, what steps did West Penn take towards smart meter deployment?**

5 A. While West Penn's smart meter procurement and installation plan was pending,
6 West Penn's parent company, Allegheny Energy, Inc., entered into merger
7 proceedings with FirstEnergy. Once the merger was finalized, West Penn worked
8 with its sister FirstEnergy operating companies in Pennsylvania to evaluate
9 potential smart meter technology to deploy across its system.

10 **Q. When did West Penn file its smart meter deployment plan with the**
11 **Commission?**

12 A. Yes. The Company filed its initial deployment plan with the Commission on
13 December 31, 2012.⁸

14 **Q. Was West Penn's smart meter deployment plan approved by the Commission?**

15 A. Yes. Following a review process and certain modifications, the Commission
16 ultimately approved West Penn's final smart meter deployment plan on June 5,
17 2014.⁹ I have provided the Company's final approved deployment plan as WPP
18 Exhibit JCA-1 to this testimony.

19 **Q. What type of information does the smart meter deployment plan contain?**

⁷ *Petition of West Penn Power Company d/b/a Allegheny Power for Expedited Approval of its Smart Meter Technology Procurement and Installation Plan*, Docket No. M-2009-2123951 (Order dated June 30, 2011).

⁸ *Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company For Approval of Their Smart Meter Deployment Plan*, Docket Nos. M-2013-2341990, M-2013-2341991, M-2013-2341993, and M-2013-2341994 (Petition dated December 31, 2012).

⁹ *Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company For Approval of Their Smart Meter Deployment Plan*, Docket Nos. M-2013-2341990, M-2013-2341991, M-2013-2341993, and M-2013-2341994 (Final Order entered June 25, 2014).

1 A. The deployment plan identifies how West Penn’s smart meter technology was
2 chosen; the features and characteristics of the smart meter technology; the
3 communication process between the smart meters and West Penn; and the costs and
4 savings associated with the deployment of smart meters.

5 **Q. How did West Penn choose its smart meter technology?**

6 A. The Company conducted multiple rounds of requests for information and requests
7 for proposal from vendors of smart meter systems and equipment.

8 **Q. Could you generally describe the smart meter technology being deployed by
9 West Penn?**

10 A. Yes. The smart meters and the communication network and supporting system are
11 referred to together as advanced metering infrastructure (“AMI”). AMI is the
12 system that allows for bidirectional communication between the meters and West
13 Penn, records customers’ interval consumption of electricity, and allows for the
14 transmission of meter readings over a communication network to a central
15 collection point and supporting systems.

16 **Q. What is the specific type of AMI used by West Penn?**

17 A. It is an Itron OpenWay Centron smart meter. Itron is the manufacturer of West
18 Penn’s smart meters, as well as the vendor in charge of the smart meter
19 communication system.

20 **Q. Is West Penn required to follow the smart meter deployment plan?**

21 A. Yes. Any plan approved by Commission order is binding on West Penn.

22

1 **III. OPT-OUT**

2 **Q. Based on your understanding of Act 129, the Commission’s orders related to**
3 **smart meters, and the Company’s Commission-approved smart meter plan,**
4 **do you believe a customer has the ability to opt out of having a smart meter**
5 **installed at their home?**

6 A. No. Act 129 requires that all EDCs with more than 100,000 customers install smart
7 meters throughout their service territories and does not allow for any customers or
8 EDCs to opt out of this installation. In addition, West Penn’s smart meter
9 deployment plan was approved by the Commission under an assumption that no
10 customers may opt out of installation.

11 **Q. Please explain what you mean when you reference this assumption.**

12 A. On page 47 of 80 of WPP Exhibit JCA-1, West Penn’s smart meter deployment
13 plan specifically states the following:

14 **The Full-Scale Deployment Stage** will commence upon resolution of all
15 problems encountered during the Solution Validation Stage and will
16 continue until all meters are installed on or before December 31, 2022.
17 During this stage, the remainder of the smart meter infrastructure will be
18 concurrently built in each of the Companies’ respective service territories,
19 starting with the most populated areas first. All remaining smart meters will
20 be installed during this Stage at an anticipated meter installation rate of
21 1,900 meters per day, five days per week, and potentially ramping up to
22 3,000 meters per day if circumstances and conditions warrant. At this pace,
23 the Companies expect to install approximately 98.5% of all meters by mid-
24 2019, with the remaining 1.5% of the meters being installed thereafter
25 through December 31, 2022. The 1.5 % of the installations represent those
26 installations that may require alternative communication solutions or
27 difficult to reach locations such as remote hunting cabins. Any similar
28 situations discovered in Penn Power’s service territory are included in the
29 1.5% estimate and will be addressed in the time frame discussed above.

1 **Q. Is it significant to you that the plan refers to a deployment of 98.5% of smart**
2 **meters, followed by the deployment of the remaining 1.5% of smart meters?**

3 A. Yes. When added together, those percentages equal 100% of meters. Clearly, this
4 plan requires West Penn to install smart meters at all customer service locations.

5 **IV. TERMINATION**

6 **Q. Is the Company able to terminate electric service if a customer refuses access**
7 **to the Company to install a smart meter at a Service Location?**

8 A. Yes. Refusal to allow the Company access to its meter to replace it with a smart
9 meter constitutes grounds for termination of service as it is a violation in violation
10 of Rules 9 and 20 of the Company's Commission-approved tariff.¹⁰ The
11 Commission has also upheld decisions finding that a utility has the ability to
12 terminate the service of a customer who refuses installation of a smart meter.

13 **V. CONTACTS**

14 **Q. On page 11 of Mr. Jennings's Direct Testimony, he alleges that an employee**
15 **Wanda Pagan informed Ms. Jennings that the Company is not complying with**
16 **the American Disabilities Act. Is this accurate?**

17 A. No, it is not. I have provided the Company's contacts on Mr. Jennings's account as
18 West Penn Exhibit No. JCA-2 to this testimony. It is accurate that on November
19 26, 2018, an employee of the Company, Wanda Pagan, did speak to Ms. Jennings,
20 as well as other Company employees. However, as the contacts indicate Ms. Pagan
21 only informed Ms. Jennings that the Company no longer accepted medical letters
22 and that ACT 129 required the installation of smart meters.

¹⁰ *West Penn Power Company Retail Electric Service Tariff*, Electric Pa. PUC No. 40, pp. 46, 61, issued May 1, 2015, effective May 3, 2015.

1 **Q. Can you please describe the Company’s policy regarding medical letters?**

2 A. When the Company initially deployed smart meters, the Company allowed
3 customers to receive a temporary delay in the installation of a smart meter if a
4 customer provided a medical letter. As the Company reached the end of the smart
5 meter deployment schedule in a particular area, the Company would return to install
6 a smart meter on all customer homes who received that temporary delay in
7 accordance with the smart meter deployment plan that was approved by the
8 Commission. A medical letter does not exempt West Penn customers from a smart
9 meter being installed at his or her service location.

10 **VI. SAFETY**

11 **Q. Do you have any reason to believe, based on your experience and the Direct**
12 **Testimony submitted by Mr. Jennings and Laura Sunstein Murphy, that the**
13 **smart meters being installed by the Company are unsafe?**

14 A. No. First, the smart meters that West Penn is installing comply with all safety
15 requirements and standards established by agencies such as the Federal
16 Communications Commission. Second, the meter manufacturer for West Penn’s
17 smart meters, Itron, Inc. (“Itron”), enlists certified personnel to perform the required
18 American National Standards Institute (“ANSI”) tests on metering products
19 commercialized by Itron. Itron-certified personnel are involved early in the
20 development phase of the project, therefore acquiring design knowledge of the
21 metering product. Having knowledge of the design, individuals are aware of
22 product behavior and therefore able to detect product anomalies, if any, during all
23 ANSI testing. Finally, the smart meters that West Penn is installing are

1 Underwriters Laboratories (“UL”) certified, which mean personnel have performed
2 testing to confirm compliance to UL 2735.

3 **Q. Have you reviewed the direct testimony of Ms. Sunstein Murphy?**

4 A. Yes, I have.

5 **Q. Does West Penn provide electric service to Ms. Sunstein Murphy?**

6 A. No. Ms. Sunstein Murphy is also a customer of PECO.

7 **Q. Do West Penn and PECO install the same smart meter technology?**

8 A. No. Although PECO installed smart meter technology in accordance with Act 129,
9 it is a different type of smart meter technology utilizing a different meter vendor
10 and communications approach. PECO’s smart meter technology does not utilize
11 an RF mesh system of communication as found in West Penn’s smart meter
12 technology. PECO’s smart meter technology is considered a point-to-point
13 technology using a tower gateway base station (“TGB”) radio antenna
14 communicating directly with individual smart meters. PECO also utilizes a fiber-
15 optic and microwave core network in addition to wireless backhaul communication
16 to connect their TGB radios to their back office.

17 **Q. Did Ms. Sunstein Murphy file a formal complaint at the Commission against**
18 **PECO regarding smart meters?**

19 A. Yes.

20 **Q. Have you reviewed the result of Ms. Sunstein Murphy’s formal complaint?**

21 A. Yes.

1 **Q. Please explain the allegations made by Ms. Sunstein Murphy.**

2 A. On April 7, 2015, Ms. Sunstein Murphy filed a Formal Complaint against PECO
3 with the Commission at Docket No. C-2015-2475726, in which she alleged that
4 PECO was threatening to shut off her service after she refused installation of an
5 AMI meter or smart meter at her home. On July 28, 2015, Ms. Sunstein Murphy
6 filed an Amended Complaint, which she requested that PECO not install a smart
7 meter at her residence alleging that the installation of a smart meter at her home
8 would create an unsafe and unhealthy condition at her home in violation of 66
9 Pa.C.S. § 1501 and 52 Pa. Code § 57.194. On June 6, 2016, Ms. Sunstein Murphy
10 filed a Second Amended Complaint, in which she alleged, *inter alia*, that she
11 suffers from medical conditions which make her uniquely susceptible to
12 electromagnetic field (“EMF”) and radio frequency (“RF”) radiation. Ms. Sunstein
13 Murphy also stated that her health has declined since PECO’s installation of its AMR
14 meter on her home in 2002. She alleged that her exposure to the EMF and RF
15 emissions from PECO’s AMR meter and proposed smart meter “have and will
16 continue to cause grievous bodily harm to Complainant.” She also contended that
17 PECO’s installation of the wireless AMR meter already constituted a violation of
18 Section 1501 of the Public Utility Code, and PECO’s installation of an AMI
19 wireless smart meter would constitute a continuing violation of Section 1501 of the
20 Code and Section 57.194.¹¹

¹¹ *Laura Sunstein Murphy v. PECO Energy Company*, Docket No. C-2015-2475726 (Order entered May 9, 2019).

1 **Q. Please explain the outcome of Ms. Sunstein Murphy's formal complaint.**

2 A. The Commission entered an Order on May 9, 2019 dismissing her Formal, Amended,
3 and Seconded Amended Complaints. Specifically, the Commission concluded that
4 "the Complainant did not meet her burden of proof in demonstrating that she is in
5 fact a customer with medical sensitivities to RF fields or that RF exposure from a
6 PECO AMR meter has or an AMI meter will adversely affect her health." The
7 Commission further concluded that "the Complainant has failed to demonstrate that
8 the RF exposure from a PECO smart meter is unsafe."¹²

9 **Q. Do you believe that Ms. Sunstein Murphy's testimony should be considered in**
10 **Mr. Jennings's proceeding?**

11 A. No, I do not. Ms. Sunstein Murphy's factual testimony in Mr. Jennings's
12 proceeding is similar to the allegations addressed in her Formal, Amended, and
13 Seconded Amended Complaints, which were dismissed by the Commission. As
14 such, Ms. Sunstein Murphy's factual testimony in this proceeding should not be
15 given much weight.

16 **Q. At all times has West Penn provided reasonable and adequate service in**
17 **accordance with all applicable tariffs and regulations?**

18 A. Yes.

19 **Q. Has the Company violated any Commission Order, Regulations, or Statutes?**

20 A. No.

21 **Q. Does this conclude your testimony?**

22 A. Yes.

¹² *Id.* at 93.

Exhibit A
WPP Responses, Interrogatories Set I & Set

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C-2018-3006031
7/24/20

Exhibit-A

Exhibit A
WPP Responses, Interrogatories Set I & Set II

West Penn Power Company Response to
Michael Jennings Interrogatory Set I, No. 12
Witness: John Ahr

MICHAEL JENNINGS
v.
WEST PENN POWER COMPANY
Docket No. C-2018-3006031

Jennings Interrogatory Set I, No. 12

Is it the position of the company to provide safe service and any alternatives or substitutions in or to such service as necessary or proper for the accommodation and safety of its patrons, pursuant to Section 1501 of the Pennsylvania Public Utility Code? Yes or no, explain your answer.

RESPONSE:

Section 1501 of the Pennsylvania Public Utility Code, 66 Pa.C.S. § 1501, requires the following:

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. Any public utility service being furnished or rendered by a municipal corporation beyond its corporate limits shall be subject to regulation and control by the commission as to service and extensions, with the same force and in like manner as if such service were rendered by a public utility. The commission shall have sole and exclusive jurisdiction to promulgate rules and regulations for the allocation of natural or artificial gas supply by a public utility.

West Penn Power Company ("West Penn") is in compliance with 66 Pa.C.S. § 1501. Furthermore, Act 129 requires the installation of smart meters at every service location served by West Penn, without exception for any reason.

Exhibit A
WPP Responses, Interrogatories Set I & Set II

West Penn Power Company Response to
Michael Jennings Interrogatory Set I, No. 14
Witness: John Ahr

MICHAEL JENNINGS
v.
WEST PENN POWER COMPANY
Docket No. C-2018-3006031

Jennings Interrogatory Set I, No. 14

If testimony were credible that RFs such as those emitted by WPP's smart meters can or did cause unsuspected harmful effects on their health to certain customers, what effective solution can West Penn Power offer to those affected customers to provide safe service, short of advising them to move out of the state or learn to live without electricity?

RESPONSE:

See West Penn Power Company's ("West Penn") response to Jennings Interrogatory Set I, No. 3. Furthermore, Act 129 requires the installation of smart meters at every service location served by West Penn, without exception for any reason.

Exhibit A
WPP Responses, Interrogatories Set I & Set II

West Penn Power Company Response to
Michael Jennings Interrogatory Set I, No. 15
Witness: John Ahl

MICHAEL JENNINGS
v.
WEST PENN POWER COMPANY
Docket No. C-2018-3006031

Jennings Interrogatory Set I, No. 15

Is WPP required to deploy smart meters to disabled customers if such deployment would have an unsuspected harmful effect on their health and a violation of West Penn Power's duties under PA PUC Title 66, Section 1501?

RESPONSE:

See West Penn Power Company's ("West Penn") response to Jennings Interrogatory Set I, Nos. 3 and 12. Furthermore, Act 129 requires the installation of smart meters at every service location served by West Penn, without exception for any reason.

Exhibit A
WPP Responses, Interrogatories Set I & Set II

West Penn Power Company Response to
Michael Jennings Interrogatory Set I, No. 20
Witness: John Ahr

MICHAEL JENNINGS
v.
WEST PENN POWER COMPANY
Docket No. C-2018-3006031

Jennings Interrogatory Set I, No. 20

Is WPP subject to and required to comply with Section 504 of the Federal Rehabilitation Act of 1974 as to giving reasonable accommodations to its disabled customers at West Penn Power's own expense? Why or why not?

RESPONSE:

West Penn Power Company is obligated to comply with Act 129, which requires the installation of smart meters at every service location served by West Penn, without exception for any reason.

Exhibit A

Interrogatories Set I & Set II

West Penn Power Company Response to
Michael Jennings Interrogatory Set I, No. 21
Witness: John Ahr

MICHAEL JENNINGS
v.
WEST PENN POWER COMPANY
Docket No. C-2018-3006031

Jennings Interrogatory Set I, No. 21

Has WPP approached the PUC on behalf of any West Penn Power customer who has alleged a disability under the federal disability law, insofar as its smart meter was causing or would cause bodily harm to that customer, and did West Penn Power request from the PUC a reasonable accommodation from PA Act 129 requirements as to that particular customer?

- a. If so, what was the accommodation offered, and what was the outcome of the offer?
- b. If not, why not?

RESPONSE:

No.

- a. N/A
- b. West Penn Power Company is obligated to comply with Act 129, which requires the installation of smart meters at every service location served by West Penn. without exception for any reason.

Exhibit A
Interrogatories Set I & Set II

West Penn Power Company Response to
Michael Jennings Interrogatory Set I, No. 22
Witness: John Ahr

MICHAEL JENNINGS
v.
WEST PENN POWER COMPANY
Docket No. C-2018-3006031

Jennings Interrogatory Set I, No. 22

Except as to Complainants who have filed formal complaints, has West Penn Power ever inquired as to the health of the any WPP customers in their homes after deployment of the smart meters?

- a. If yes, please provide information on the findings.
- b. If no, does West Penn Power ever intend to inquire, as to the health of any West Penn Power customers after deployment of the smart meters? Why or why not?

RESPONSE:

No.

- a. N/A
- b. No. West Penn Power Company is obligated to comply with Act 129, which requires the installation of smart meters at every service location served by West Penn. without exception for any reason.

Exhibit A
Interrogatories Set I & Set II

West Penn Power Company Response to
Michael Jennings Interrogatory Set I, No. 32
Witness: John Ahr

MICHAEL JENNINGS
v.
WEST PENN POWER COMPANY
Docket No. C-2018-3006031

Jennings Interrogatory Set I, No. 32

Does WPP agree the only option they offered my family was a smart meter on my property? Yes or no.

RESPONSE:

Yes. As required by Act 129, a smart meter must be installed for all West Penn Power Company customers.

Exhibit A
Interrogatories Set I & Set II

West Penn Power Company Response to
Michael Jennings Interrogatory Set I, No. 49
Witness: John Ahr

MICHAEL JENNINGS
v.
WEST PENN POWER COMPANY
Docket No. C-2018-3006031

Jennings Interrogatory Set I, No. 49

Can a customer turn off the RF transmission coming to and from the smart meters that WPP proposes to install on my property? Yes or no? Please explain.

RESPONSE:

No. Radio frequency ("RF") transmissions allow West Penn Power Company's ("West Penn") smart meters to communicate usage data back to West Penn. "Turning off" RF transmissions is equivalent to causing the smart meter to stop working. Any customer found tampering with West Penn's meters or other equipment will be considered in violation of West Penn's Pennsylvania Public Utility Commission-approved tariff and regulations, which will result in termination of service.

Exhibit A
WPP Responses, Interrogatories Set I & Set II

West Penn Power Company Response to
Michael Jennings Interrogatory Set I, No. 50
Witness: John Ahr

MICHAEL JENNINGS
v.
WEST PENN POWER COMPANY
Docket No. C-2018-3006031

Jennings Interrogatory Set I, No. 50

Is it safe to touch a smart meter? Yes or no? Please explain.

RESPONSE:

Yes. *See* West Penn Power Company's response to Jennings Interrogatory Set I, No. 3.

Exhibit A
WPP Responses, Interrogatories Set I & Set II

West Penn Power Company Response to
Michael Jennings Interrogatory Set I, No. 51
Witness: John Ahr

MICHAEL JENNINGS
v.
WEST PENN POWER COMPANY
Docket No. C-2018-3006031

Jennings Interrogatory Set I, No. 51

Does the smart meter WPP plans to deploy on my property carry the UL approval rating for safety?

RESPONSE:

Yes. The meter has been tested to confirm compliance to Underwriters Laboratories ("UL") 2735, the Standard for Safety for Electric Utility Meters.

See Jennings Interrogatory Set I, No. 51. Attachment A.

Exhibit A

WPP Responses, Interrogatories Set I & Set II

West Penn Power Company Response to
Michael Jennings Interrogatory Set II, No. 1
Witness: John Ahr

MICHAEL JENNINGS
v.
WEST PENN POWER COMPANY
Docket No. C-2018-3006031

Jennings Interrogatory Set II, No. 1

Since West Penn Power Company is not a hospital, a health care provider, or any other type of "entity" that is authorized to access the National Practitioner Data Bank (NPDB), I have attached a form (Exhibit A) outlining how Dr. Israel can provide a Self-Query report. A representative of NPDB explained the process of Self-Query and said they would be happy to help Dr. Israel through the process if needed. Dr. Israel can obtain a copy of his report for \$4. He will receive an online response and a sealed letter he can send to anyone. The website is www.npdb.hrsa.gov. If Dr. Israel has nothing to hide, there shouldn't be a problem with obtaining this report.

I require Dr. Israel provide Complainant the sealed letter from his self-query of the NPDB

RESPONSE:

Dr. Israel is an independent expert, who is not required to create new documents or to purchase data from a third party is not already in the current possession, custody or control of West Penn Power Company ("West Penn") or Dr. Israel.

Moreover, the National Practitioner Data Bank ("NPDB") Guidebook specifies that the information in its database is confidential and can only be released under conditions permitted by its statutes:

Information reported to the NPDB is considered confidential and will not be disclosed except as specified in the NPDB statutes (Title IV, Section 1921, and Section 1128E) and implementing regulations (45 CFR Part 60). Confidential receipt, storage, and disclosure of information are essential ingredients of NPDB operations. The confidentiality provisions of Title IV, Section 1921, and Section 1128E allow an eligible entity receiving information from the NPDB to disclose the information to others who are part of an investigation or peer review process, as long as the information is used for the purpose for which it was provided. In those instances, everyone involved in the investigation or peer review process is subject to the confidentiality provisions of the NPDB.

Accordingly, dissemination of any NPDB information could place West Penn at risk of violating confidentiality provisions in the relevant sections of the United States Code.

Exhibit A

WPP Responses, Interrogatories Set I & Set II

West Penn Power Company Response to
Michael Jennings Interrogatory Set II, No. 5
Witness: John Ahr

MICHAEL JENNINGS
v.
WEST PENN POWER COMPANY
Docket No. C-2018-3006031

Jennings Interrogatory Set II, No. 5

Concerning the iTRON OpenWay CENTRON meters, Model C2S0D and any other model you are considering using:

- a. Does this system use remote towers?
- b. Does the iTRON OpenWay CENTRON meter, Model C2S0D and its remote towers, if used, have the capability to send RF signals in only one direction or does the RF always scatter in all available (i.e. not blocked) directions? Please explain your answer.
- c. How does the system work/communicate?
- d. Describe all types of communication sent and received to/from each meter to/from collection points?
- e. Please explain how the remote towers communicate, how often, in conjunction with the iTRON OpenWay CENTRON meters, Model C2S0D.

RESPONSE:

- a. No.
- b. Radio frequency ("RF") signals travel in all directions.
- c. A smart meter is a digital electricity meter equipped with communications technology that measures electricity consumption and transmits that data back to the utility over a wireless communications network instead of having a meter reader on site at the customer premise to read the meter manually.

Smart meters measure electricity usage accurately and more frequently than their mechanical predecessors; instead of providing a monthly total of consumption, smart meters can measure electricity usage daily, hourly or even at more frequent intervals. These measurement capabilities may support new time-varying rates or other new programs and services.

In addition to electricity consumption measurement, smart meters act as "grid sensors" for the utility by providing outage notifications when the power goes out and restoration notifications when power is restored at the customer location. The smart meters also measure voltage levels on the distribution system to help the utility ensure proper voltage

Exhibit A

WPP Responses, Interrogatories Set I & Set II

West Penn Power Company Response to
Michael Jennings Interrogatory Set II, No. 5
Witness: John Ahr

is maintained throughout their distribution network. Smart meters are also equipped with a remote service switch, which enables the utility to turn power on and off remotely for potential safety situations, and to streamline and automate customer service requests and move-in and move-out transactions. The smart meters also have features that enable the meters to detect and report energy theft, as well as provide net metering measurement for customers with solar and other types of distributed generation. If the customer chooses, smart meters can also communicate with qualified energy monitoring devices in the home such as in-home displays to support home energy management programs.

- d. Within a hierarchical network structure, the meters will relay upstream and downstream traffic within the RF mesh. The types of communications sent and received include scheduled reads, on-demand reads, alarms/alerts along with the network traffic needed for security, command and control (synchronization, security, data integrity and dynamic network resiliency).
- e. Not applicable.

Exhibit A

WPP Responses, Interrogatories Set I & Set II

West Penn Power Company Response to
Michael Jennings Interrogatory Set II, No. 8
Witness: John Ahr

MICHAEL JENNINGS
v.
WEST PENN POWER COMPANY
Docket No. C-2018-3006031

Jennings Interrogatory Set II, No. 8

What is the total number of transmissions of radiofrequency/microwave radiation per day:

- a. As could possibly be programmed for any purpose, both on an average and at a maximum?
- b. At their respective frequency of operation?
- a. Has the If so, how long does each of the peaks last?

RESPONSE:

The number of transmissions per day from the meters will be based on the utility's business process, which will determine how they set up their read schedules. Typically, there are three to four scheduled reads from each meter in a 24-hour period.

Based on data gathered from a large, representative OpenWay network deployment (two load profile reads + one register read + one event read per day), the total transmissions are:

1. The average number of transmissions in a 24-hour period is ~1,268 (less than one time/minute);
2. The maximum number of transmissions in a 24-hour period is ~25,916 (18 times/minute or approximately once every 3.3 seconds).

Looking at the distribution of the field data gathered only a small percentage of the meter population will transmit near the maximum value. In fact, 97% of the meters in this random sample transmitted less than 2,500 times in a 24-hour period.

Each transmission will be up to 150 milli-seconds in duration. The meter transmissions times will have a component that is dependent on the daily read schedule established by the utility along with a more constant level of transmissions for security, command and control messages. It should also be pointed out that all these transmissions add up to, on average, about three minutes of total transmission time per meter, per day or an average duty cycle of 0.21 percent.

Exhibit A
WPP Responses, Interrogatories Set I & Set II

West Penn Power Company Response to
Michael Jennings Interrogatory Set II, No. 23
Witness: John Ahr

MICHAEL JENNINGS
v.
WEST PENN POWER COMPANY
Docket No. C-2018-3006031

Jennings Interrogatory Set II, No. 23

Does WPP agree it is a business that provides the service of electricity for the public? Please answer yes or no and explain your answer.

RESPONSE:

West Penn Power Company is a public utility as defined by the Pennsylvania Public Utility Code and approved by the Pennsylvania Public Utility Commission. A public utility is defined, in pertinent part, as:

- (1) Any person or corporations now or hereafter owning or operating in this Commonwealth equipment or facilities for:
 - (i) Producing, generating, transmitting, distributing or furnishing natural or artificial gas, electricity, or steam for the production of light, heat, or power to or for the public for compensation.

66 Pa.C.S. § 102.

Exhibit A
WPP Responses, Interrogatories Set I & Set II

West Penn Power Company Response to
Michael Jennings Interrogatory Set II, No. 34
Witness: John Ahr

MICHAEL JENNINGS
v.
WEST PENN POWER COMPANY
Docket No. C-2018-3006031

Jennings Interrogatory Set II, No. 34

Is there a safety distance from the smart meter that WPP is installing in my territory according to the FCC equipment grant or any other relevant documentation in West Penn Power's possession? If yes, please cite the safe distance from the smart meter.

RESPONSE:

No.

~~CONFIDENTIAL~~

Exhibit LL Garage Pictures



McKenzie playing right next to our current meter which is located on our garage wall.



McKenzie spends a lot of time by the current meter as he decorates his tree.



Our current non-electronic electro-mechanical analog meter, without any transmitting devices on the side of our garage.

Source: Complainant's Pictures