

Kim Martin  
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September 18, 2020

**VIA e-File**

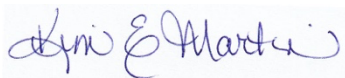
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
PO Box 3265 Harrisburg, PA 17105-3265

Re: Kim Martin vs. Metropolitan Edison Company  
Docket No. C-2017-2631482

Dear Secretary Chiavetta,

I am submitting "Exceptions to the Initial Decision of Administrative Law Judge Jeffrey A. Watson" issued on August 30, 2020. I am copying all parties as shown in the Certificate of Service.

Thank you,

A handwritten signature in blue ink that reads "Kim E. Martin". The signature is written in a cursive style and is enclosed in a light blue rectangular box.

Kim E. Martin

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Kim Martin	:	
	:	
v.	:	Docket No.
	:	C-2017-2631482
Metropolitan Edison Company	:	

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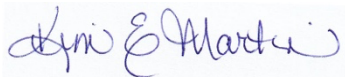
**Exception of Complainant Kim Martin  
To the Initial Decision of  
Administrative Law Judge  
Jeffrey A. Watson issued on  
August 30, 2020**

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AND NOW comes Kim Martin (Complainant), a woman, as herself, a living, breathing, human being; one of the people and not a fictitious entity. Also, Complainant is not an attorney. It is critical that Pennsylvania Public Utility Commission (PUC) understand this plain English claim of divinely given rights ascribed to each of the people, such as the Complainant, as described in the Bible, the Magna Carta, the Declaration of Independence, Articles of Confederation, Pennsylvania Constitutions, and The Constitution for these United States of America, as lawfully amended, so as to refrain from violating the People's rights. While the Complainant does not make light of any of the violation of her rights and duties, she particularly points out potential damage to rights of privacy and pursuit of happiness.

Under choice of law clause, Complainant chooses an Article III Court of Record by jury as offered by the Constitution of these United States of America. It is the duty of the PUC by virtue of their oath of office and as an agent of the people to protect We the People.

All Rights Reserved



Dated: September 18, 2020

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1 **Exceptions**

2 In accordance with Section 5.533 of the Commission’s regulation, 52 pa. Code § 5.533,  
3 Complainant Kim Martin respectfully submits these Exceptions to the Initial Decision of administrative  
4 law judge Jeffrey A. Watson issued on August 30, 2020.

5  
6 **EXCEPTION No. 1: ALJ Watson erred in ignoring Complainant’s legal argument pertaining to**  
7 **Act 129 of 2008**

8 Page 10 of the Initial Decision states:

9 Smart Meter Mandate

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

16  
17 On June 24, 2009, the Commission entered an Implementation Order declaring, “The Commission  
18 believes that it was the intent of the General Assembly to require all covered EDCs to deploy  
19 smart meters system-wide....” The Commission approved Respondent’s final SMDP by Order  
20 entered June 5, 2014. Met-Ed’s final SMDP requires Met-Ed to deploy 98.5% of smart meters to  
21 its customer service locations by mid-2019, and the remaining 1.5% of smart meters, which are  
22 located in hard-to-access locations, such as remote hunting cabins, by 2022. The SMDP provides  
23 “no opt-out for customers.”

24  
25 Complainant found no basis on which the PUC can justify its mandate of universal forced deployment of  
26 Smart Meters in their Implementation Order of June 2009 and all subsequent PUC formal complaint  
27 holdings and Implementation Orders. Consequently, the EDCs, including Met-Ed, have no legal basis on  
28 which to force Smart Meters on all of their customers.

29  
30 **The PUC does not interpret the plain language of this law correctly. It is a conflict of interest when**  
31 **the responsibility of the PUC is to protect customers from the EDC acting inappropriately, when**  
32 **that action of the EDC was unlawfully directed by the PUC.**

35 **EXCEPTION No. 2: ALJ Watson erred in accepting Mr. John Ahr’s testimony as valid.**

36  
37 Page 12 of the Initial Decision states:

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

42  
43 First Energy’s witness John Ahr testified that he is not an expert on the safety of the smart meter. When  
44 question by the Complainant he repeated that he is **not an expert of the safety** of the smart meter.  
45 Complainant question why Ms. Geisler’s description of him in the witness description stated as such, no  
46 clear answer was given.

47  
48 Therefore, he may be qualified to state that smart meters are compliant with the standards set by the FCC  
49 and the ANSI and are UL certified. Although he was **in agreement** that there were no health risks posed  
50 by smart meters, and he testified that **he is unaware** of any smart meter malfunctioning such that would  
51 affect Complainant’s health, these are unqualified statements. **His lack of authority on safety makes**  
52 **these two statements meaningless.**

53  
54 Complainant asked Judge Watson to strike Mr. Ahr’s testimony from the record because he is not an  
55 expert in safety as Ms. Geisler had purported, Judge Watson refused to do so.

56  
57  
58  
59 **EXCEPTION No. 3: ALJ Watson erred in concluding that Respondent proved the safety of Smart**  
60 **Meters as required.**

61  
62 Pursuant to Section 1501 of the Code, 66 Pa.C.S. § 1501, public utilities have a duty to maintain  
63 safe, adequate and reasonable service and facilities and to make repairs, changes, and improvements  
64 that are necessary or proper for the accommodation, convenience, and safety of its patrons,  
65 employees, and the public.

66 Met-Ed did not present the witnesses as expected (Dr. Christopher Davis and Dr. Mark Israel), and the  
67 fact that Mr. Ahr stated that he is not qualified to speak on safety, **Met-Ed failed to present even one**  
68 **expert testimony at this hearing who would state that Smart Meters are safe and cause no harm.**

69 Mr. Ahr pointed Complainant to the website to show evidence of Met-Ed’s communication that smart  
70 meters are safe. However, the documentation referred to there (as described in Brief pages 18 – 21) does  
71 not support Met-Ed’s claim that **“numerous studies** have proven that Smart Meters using RF  
72 technologies pose **no health risk.**” as claimed on the website.

73  
74 **If Met-Ed had confidence in the documents linked in the website as proving smart meters are safe,**  
75 **why did Ms. Geisler object to Complainant’s bringing them into record? Furthermore, why did**  
76 **ALJ Watson not allow them to be brought into record when they were what Met-Ed was using for**

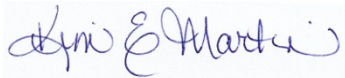
77 **their basis of safety?** (Health Impacts of Radio Frequency Exposure from Smart Meters, April 2011 –  
78 Final Report)

79  
80  
81  
82  
83  
84

85 **Conclusion:**

86 For the reasons set forth above, Complainant Kim Martin respectfully requests that the Commission grant  
87 these Exceptions and issue a Final Order that rejects the ALJ's Interim Decision of August 30, 2020, and  
88 orders Met-Ed to grant Complainant's request for an accommodation allowing an analog meter to remain  
89 on her property.

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