

September 26, 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' Amended Motion to Remove Sanctions* in the above-referenced proceeding. This version of the document for filing contains the following correction such that reference to the document's title in the first statement of the pleading has been changed from:

"amended *Reply to Respondent's Answer in Opposition to Motion to Remove Sanctions*"

to read:

"*Amended Motion to Remove Sanctions*"

Respectfully submitted,



Handwritten signatures of John Holder and Janet Holder in blue ink.

John Holder, Janet Holder

CERTIFICATE OF SERVICE

We hereby certify that true and correct copies of *Complainants' Amended 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

Kimberly A. Klock, Esq.
Michael J. Shafer, Esq.
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18101

Devin T. Ryan, Esq.
Garrett P. Lent, Esq.
Post & Schell PC
17 North 2nd Street
12th Floor
Harrisburg, PA 17101-1601

Curtis Renner, Esq.
1901 Pennsylvania Ave NW
Suite 1005 ENS
Washington, DC 20006

Administrative Law Judge Elizabeth Barnes
400 North Street
Harrisburg, PA 17120

Date: September 26, 2020



Complainants' Amended Motion to Remove Sanctions

(Complainants' original 'Motion to Remove Sanctions'
is incorporated as Attachment 1.)

Respondent PPL Electric vigorously has sought to have not only the Complainants' rights to due process, but also facts, reason and common-sense logic quashed under a facade of specious and false reasoning. We, the Complainants, demand that, instead of resorting to mere hand-waving technicalities and obfuscation, PPL Electric put forth a coherent, logical, fact-based argument for the continuation of sanctions against the Complainants that will withstand careful judicial scrutiny.

The Complainants thus proceed with the rationale for this Motion and put forth the following refutation of the Respondent's case for sanctions:

1. The Complainants herewith shall refute Respondent PPL Electric's arguments opposing Complainants' *Motion to Remove Sanctions* by making explicit the obvious fallacy upon which Respondent's reasoning is based.
2. It is an established and uncontested fact that over the course of every day of their operation, PPL Electric's AMI meters produce frequent emissions and transmissions of radiofrequency radiation, and these devices also produce RF fields.
3. PPL Electric should no longer be permitted, on procedural grounds and at the expense of the Complainants' rights to discovery and due process, to escape the legal ramifications following from the **FACTS** (of which the Commission and this Court certainly are aware) that:
 - 1) Based upon **sufficiently strong evidence** for **increased risk** of certain cancers, RF radiation and fields have been classified by the WHO/IARC as a possible human carcinogen (Group 2B). This classification applies to **all** RF radiation and fields, regardless of source.
 - 2) In its **intensively peer-reviewed final report**, the National Toxicology Program (NTP) of the National Institute of Environmental Health Sciences (NIEHS) and National Institutes of Health (NIH) published findings of "**clear evidence**" of cancer causation in animal test subjects exposed to RF radiation at 900 MHz, which very closely approximates the frequency transmitted by PPL Electric's AMI meters.

3) The FCC safety guidelines pertaining to RF exposure do **NOT** account for causal mechanisms of interaction that do not involve tissue heating or acute exposures such as electric shock. On the basis of **overwhelming evidence**, science has established **beyond reasonable doubt** that, with respect to interactions of RF with biological structures and systems, there definitely **are** causal mechanisms active with RF exposure **other than** ones that involve tissue heating or electric shock, and the FCC safety guidelines simply do **NOT** apply to these other mechanisms.

4) There currently is **no guideline or set standard of safety** that applies to any of these other non-heating (non-thermal) and non-acute mechanisms of interaction such that there are established levels or durations of exposure of humans to RF below which such exposures can be considered safe.

5) AMI wireless smart meter devices (and AMI wireless mesh networks) have never been tested for safety specifically with regard to the potential hazards and risks posed by the forms and manner in which they produce radiofrequency radiation and RF fields.

6) There have been no proceedings initiated by a motion of the Commission pursuant to 66 Pa.C.S. §315(c) requiring regulated electric utilities, including the Respondent, to prove or show specifically that their AMI wireless smart meter devices and facilities are in fact safe, particularly with regard to the forms and manner in which they emit, transmit and/or otherwise produce radiofrequency radiation and RF fields.

4. For the Respondent, PPL Electric Utilities, to forcibly subject the Complainants, as a condition of our continuing to receive electric service, to the risks referenced in Sub-paragraphs 3-1 through 3-6, supra, namely, those risks associated with chronic, long-term exposure to RF radiation and fields as well as with the complete lack of specific testing and proof of safety of PPL Electric's AMI meters, constitutes a flagrant deprivation of the Complainants' rights protected under the Ninth and Fourteenth Amendments to the Constitution of the United States.

5. Justifiably, therefore, the Complainants, have brought our Complaint before the Commission as an entirely lawful act in the exercise of our fundamental right of self-protection and in part for the specific purpose of **preventing** chronic, long-term, **forced** exposure of the Complainants to the **hazards** and **risks** that science has associated with radiofrequency radiation and RF fields—which PPL Electric's AMI meters do in fact produce and which would result, and continue in perpetuity, from the installation of such devices upon the Complainants' homes.

6. If, as is strongly indicated by a voluminous body of scientific and biomedical research, RF radiation and fields potentially can cause or are capable of increasing the risk of biological and/or adverse health effects, these agents potentially can cause or are capable of increasing the risk of such effects irrespective of whether or not the Complainants have produced their medical records.

7. The Complainants' medical records could not and cannot provide any information whatsoever that would in any way affect or alter the facts and assertions specified under ¶¶ 2 - 6, supra.

8. Therefore, even though we, the Complainants, have not provided our medical records, we have every right under due process, and through means of argumentation and cross-examination, to challenge fully the safety of PPL Electric's AMI meters pursuant to 66 Pa. C.S. § 1501.

9. The sanctions that have been imposed upon the Complainants have unjustly precluded us from fully exercising our rights under due process. Because of the sanctions, the Complainants specifically were precluded from cross-examining the Respondent's expert witnesses and from submitting evidence insofar as such were to pertain to issues concerning health and safety.

10. The Respondent spuriously argues that the Complainants' medical information is "necessary to determine whether the installation of a PPL Electric AMI meter will cause or contribute to any adverse medical conditions or biological effects that the Complainants assert they may experience."

The Respondent fallaciously attempts to justify the preceding contention by further asserting that "[w]ithout medical records documenting the health and medical conditions of the Complainants before a PPL Electric AMI meter is installed there is no reasonable basis upon which the Commission could determine that any health or medical conditions the Complainants assert they may exhibit after a PPL Electric AMI meter is installed were caused by the AMI meter. The pre-installation medical records are essential to determining whether any post-installation condition asserted by the Complainants could have actually been caused by the AMI meter; without such records there is no evidence of a 'status quo' prior to the installation of the AMI meter with respect to the Complainants' health and medical conditions."

11. If, **after** such time that PPL Electric were to have installed AMI smart meters upon the homes of the Complainants, **then and only then** would the Complainants' medical records possibly be relevant, depending on whether the Complainants were to claim to have experienced adverse health effects as a result of the meters. It absolutely is not necessary to establish evidence of a 'status quo' with respect to the Complainants' health and medical conditions **prior to** the installation of PPL Electric's AMI meters. If the Complainants were to complain to the Commission of adverse health effects at a time following the installation of PPL Electric's AMI meters, the Complainants' medical records provided **at that time** certainly would contain all pre- and post-installation medical information—including dates of any and all diagnoses and treatments—necessary for establishing a reasonable basis upon which the Commission could make a proper determination.

12. Therefore, because PPL Electric's meters have not been installed to date on the Complainants' homes, in addition to the fact that the Complainants have not alleged that they presently have any pre-existing adverse medical or health conditions, the Complainants' medical records are not relevant to their Complaint, and the Respondent's argument, as re-stated in ¶ 10, supra, alleging the present necessity of these records, is invalid.

13. PPL Electric's flawed argument would further imply that customers could have cause to challenge the safety of the Company's AMI meters only **after** the installation of these devices, that is, only after their having been exposed to the RF radiation and fields produced by the installed meters.

14. Respondent PPL Electric cites Pennsylvania case law stating that "[a]mong the requirements of due process are ... an opportunity to be heard on the issues, ... to cross-examine witnesses, **to inspect documents**" (Emphasis added.)

While frequently having reminded the Court that PPL Electric would be deprived of due process unless the Court granted the Company's requests, including the imposing of sanctions against the Complainants, the Respondent also has had the temerity to claim that "[t]he Complainants have been afforded due process in these proceedings. They have had the opportunity to ... **submit and receive discovery**" (Emphasis added.)

15. The Complainants therefore remind the Court that on June 27, 2020, the Complainants filed their *Motion to Compel Full and Complete Answers to Interrogatories and Request for Production of Documents, Set III*. (See Attachment 2.)

16. To date, the Respondent has failed to respond with an answer or supporting document to even a single Set-III Interrogatory request, and the Complainants accordingly respectfully request that this Court duly compel the Respondent, PPL Electric Utilities Corporation, to provide full and complete answers to the Complainants' discovery requests.

17. If the Respondent continues in failing to provide answers and documentation that would support its answers requested in the Complainants' Set-III Interrogatories, and in particular, if the Respondent fails to answer in the affirmative that there **is** a reliable medical and scientific basis upon which to conclude that exposure to radiofrequency radiation and RF fields, as a result of PPL Electric's installation of AMI meters, would not, will not, could not and cannot **cause or increase the risk** of biological or adverse health effects, the Complainants respectfully request that this Court accordingly render a decision, recognizing as established **fact**, that there is **no** reliable medical and scientific basis upon which to conclude that exposure to radiofrequency radiation and RF fields, as a result of PPL Electric's installation of AMI meters, would not, will not, could not and cannot **cause or increase the risk** of biological or adverse health effects.

18. 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 which, on the basis of sufficiently strong scientific evidence, has been specifically identified and classified as a possible human carcinogen and associated positively with biological hazard and risk.

19. 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 meters, were such devices to be installed on the Complainants' homes, potentially could cause or increase the risk of future biological and/or adverse health effects.

WHEREFORE,

The Complainants file this *Amended 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 them such that they no longer shall be deprived of their due process right to fully litigate issues concerning the capability of PPL Electric's AMI meters to potentially cause or increase the risk of biological and adverse health effects that could result from exposure to the radiofrequency radiation and RF fields produced by these devices.

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

ATTACHMENT 1

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

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

John Holder, Janet Holder

ATTACHMENT 2

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

Motion to Compel Full and Complete Answers to Interrogatories and Request for Production of Documents, Set III (2nd Amended)

Pursuant to 52 Pa. Code § 5.342(g), Complainants hereby file this motion to dismiss Respondent PPL Electric Utilities Corporation's objections, and to compel full and complete answers, to *Complainants' Interrogatories and Request for Production of Documents, Set III*.

Preliminary Notes:

PN-1. Complainants' Interrogatories numbered I-118 through I-120 are duplicates of the Interrogatories numbered I-115 through I-117 respectively. The inclusion of Interrogatories I-118 through I-120 was inadvertent and in error. Accordingly, Interrogatories I-118 through I-120 are hereby stricken from Complainants' Interrogatories, Set III.

PN-2. Complainants' Interrogatories numbered I-157 through I-159 are duplicates of the Interrogatories numbered I-154 through I-156 respectively. The inclusion of Interrogatories I-157 through I-159 was inadvertent and in error. Accordingly, Interrogatories I-157 through I-159 are hereby stricken from Complainants' Interrogatories, Set III.

PN-3. As Mr. Curtis Renner had been serving pro hac vice as legal counsel to Respondent, PPL Electric Utilities, as late as December, 2018, Complainants were not aware that Mr. Renner had since been admitted to the Pennsylvania Bar. Complainants' Interrogatories numbered I-180 through I-185 therefore were irrelevant and errantly presumptuous, and accordingly, they are hereby stricken from Complainants' Interrogatories, Set III.

1. On March 13, 2020, Complainants filed *Interrogatories and Requests for Production of Documents Propounded by Complainants On PPL Electric Utilities Corporation — Set III*.

2. Respondent was requested to "provide direct, concise, full and complete answers to this discovery request within twenty (20) days of the date of service," pursuant to 52 Pa. Code § 5.342.

3. On March 24, 2020, Respondent requested, and was granted, a "thirty (30) day extension to the deadlines for serving objections **and answers** to the Interrogatories and Requests for Production of Documents" propounded by the Complainants. (Underling and emphasis added.)

4. A reason given by the Respondent for requesting such an extension was that more time was needed by PPL Electric's expert witnesses to "**gather information and documents**" for their response to Complainants' discovery requests. Accordingly, the Respondents stated that "the Company will need more time to serve the Complainants with objections **and answers.**" (Underlining and emphasis added.)

5. To date, the Respondent has failed to respond with an answer to even a single Interrogatory request or request for documents. Respondent has instead objected to every one of the Complainants' interrogatories and requests for documents propounded in Set III.

6. It is clear that the 30-day extension of time requested by the Respondent to "**gather information and documents**" was not necessary. Respondent likely could have completed its blanket, boilerplate objections virtually in an afternoon.

7. In Paragraphs 10 and 11 of Respondent's Objections to Complainants' Interrogatories, Set III, the Respondent stated:

PPL Electric responded to Complainants' Set II, Question Nos. 1 through 5 on October 15, 2019, and explained that **its position is that there is no reliable medical or scientific basis upon which to conclude that the installation of the automated metering infrastructure ("AMI") meters would cause, contribute to, or exacerbate adverse health effects.** In support of that position, the Company pointed to the expert opinions of Dr. Christopher Davis and Dr. Mark Israel, whose written testimony would be served in this proceeding on or before March 1, 2020, in accordance with the established litigation schedule. Ultimately, PPL Electric served the Complainant with the testimony of Dr. Davis and Dr. Israel on February 28, 2020." (Underlining and emphasis added.)

The Complainants' Set III Discovery requests essentially seek this very same information. For example, Complainants' Set III, Question Nos. 1 through 3³ request:

I-1. In support of PPL's position in the instant case, do PPL and/or the company's expert witnesses assert or make the claim **that there is a reliable medical and scientific basis upon which to conclude that exposure to radiofrequency (RF) radiation produced as a result of the installation of PPL's automated metering infrastructure ("AMP") (sic) meters would not and will not cause biological or adverse health effects?** (Underlining and emphasis added.)

I-2. If PPL's answer to I-1 is in the affirmative, please identify specifically all empirical evidence in the form of actual medical and scientific research studies upon which PPL and the company's expert witnesses rely and will rely in support of such a claim.

I-3. If PPL's answer to I-1 is in the affirmative, please produce and provide Complainants with copies of all empirical medical and scientific documentation which PPL and the company's expert witnesses rely and will rely upon as evidence in support of such a claim. claim.

8. In Paragraph 11 of Respondent's Objections to Complainants' Interrogatories, Set III, the Respondent has stated that the Complainants' Set III Discovery requests essentially seek "the very same information" as that referenced by the Respondent in PPL Electric's Objections to Complainants' Interrogatories, Set II, Question Nos. 1 through 5 (see ¶ 7, supra). Whether or not the some of the requests in Complainants' Interrogatories Set III essentially seek the same information that was requested in their Interrogatories Set II, the **Respondent nonetheless has failed to answer any of the Complainants' discovery requests in either set** that pertain to those questions concerning the existence of a reliable medical or scientific basis for conclusions regarding smart meter safety.

9. In PPL Electric's Objections to Complainants' Interrogatories Set II, the Respondent objected to the Complainants' Question Nos. 1 through 5 of that Set "on the grounds that the requests are vague, incomprehensible, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence." The Respondent also complained that "[t]he interrogatories use a number of vague and undefined terms, such as 'power densities', ..." and that "these lengthy interrogatories weave a series of incomprehensible compound phrases and sentences, which make responding to the discovery requests unreasonably difficult."

In their Interrogatories Set III, the Complainants therefore have taken great pains to obviate these criticisms by the Respondent concerning comprehensibility of terminology and phraseology. Accordingly, the Complainants have spelled out in parsed language each and every interrogatory request in Set III such that each request has a clear, distinct and readily understood meaning.

10. The Respondent's position on smart meter safety that was re-stated under ¶ 7, supra, that "there **is no** reliable medical or scientific basis upon which to conclude that the installation of the automated metering infrastructure ("AMI") meters would cause, contribute to, or exacerbate adverse health effects," absolutely does NOT in any way assert and cannot establish the diametrically opposite claim that "there **is** a reliable medical or scientific basis upon which to conclude that the installation of the automated metering infrastructure ("AMI") meters would cause, contribute to, or exacerbate adverse health effects."

The Respondent's stated position on smart meter safety therefore absolutely does NOT provide the information specifically sought by the Complainants in their Interrogatories (Set III and Set II), and it does NOT constitute a dispositive answer to any request made in either Set II or Set III of the Complainants' Interrogatories.

11. In Respondent's Objections to Complainants' Interrogatories, Set III, the Respondent once again repeatedly states that the Complainants' "requests are repetitive of prior requests, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence" and that "these interrogatories are based upon a series of complicated compound phrases and sentences, which make responding to the discovery requests unreasonably difficult."

12. The Respondent also repeatedly has objected that Complainants' Interrogatories in Set III are "vague" and "incomprehensible" because they use such terms and phrases as "chronic," "long-term exposure," "frequent," "below," "exposed," "causal mechanisms of interaction," "biological systems," "biological effects," "adverse health effects," and "without risk."

13. Respondent PPL is playing a 'splitting-hairs' game of semantics to the point of pathetic absurdity, particularly when the meanings of the terms appearing in ¶ 12, supra, are sufficiently clear from their context. A reasonable mind familiar with the issues brought forth in this and numerous other cases before the Pennsylvania Public Utility Commission would readily understand these terms. Moreover, Respondent, PPL, has ready access to the company's expert witnesses who most certainly would understand the meanings of these terms as used. It certainly is not necessary that the Complainants supply the Respondent with a lexicon or a textbook of English grammar to explain the meanings and usage of these terms. The Respondent's objections on these grounds therefore are utterly without merit.

14. The Complainants' Interrogatories in Set III most certainly are NOT overly broad. Nor are they unduly burdensome. And they most certainly are reasonably calculated to lead to the discovery of admissible evidence or to the finding of fact that there is a complete lack of a reliable medical and scientific basis upon which to conclude that exposure to radiofrequency radiation and RF fields produced by PPL's AMI wireless smart meters would not, will not, could not and cannot cause, exacerbate, or contribute to biological or adverse health effects. The Respondent's objections on the grounds specified in ¶ 11, supra, therefore are utterly without merit.

15. As this Court readily can ascertain, all of the Complainants' Interrogatory and document requests were absolutely **straightforward, direct, clear and unambiguous**.

16. One-third (1/3) of Complainants' Interrogatories numbered I-1 through I-162 required a simple, '**yes-or-no**' answer, that is, an answer which is either a simple affirmative, or a simple negative.

17. Most of the Interrogatories of the type referenced in ¶ 16, supra, are some combination of the following basic form:

Do PPL and/or the company's expert witnesses assert or claim that there is a reliable medical and scientific basis upon which to conclude that exposure to **A** produced as a result of the installation of PPL's "AMI" meters **B** **C** biological or adverse health effects?

A: Substitute (1) "radiofrequency (RF) radiation" OR (2) "RF fields" in the preceding question.

B: Substitute (1) "would not and will not" OR (2) "could not and cannot" in the preceding question.

C: Substitute (1) "cause" OR (2) "exacerbate" OR (3) "contribute to" in the preceding question.

18. Complainants will not belabor the point by stating each and every other variation of the above form in the Interrogatories. Suffice it to say that the terminology and phraseology in all of the variations is absolutely concise, clear and unambiguous and could be readily understood by a reasonably well-educated school student.

19. The remaining two-thirds (2/3) of Complainants' Interrogatories among those numbered I-1 through I-162 simply requested the identification of empirical research and production of evidentiary documents that might have supported whatever affirmative answers the Respondent may have given to interrogatory requests among that group.

20. Complainants' Interrogatories. Set III, I-164 state:

"Please provide Complainants with a copies of any and all documentation in PPL's possession which details the terms of the company's rights of easement specifically with regard to Complainants' properties at 2424 Lafayette Avenue and 1823 Butztown Road, both in Bethlehem, PA."

21. Respondent has objected to I-164 stating:

"PPL Electric's existing easements and/or property rights at either of the Complainants' properties are not at issue. Moreover, this information is not relevant to any claim that is within the Commission's jurisdiction to consider; the Commission has repeatedly held that it lacks jurisdiction to interpret easements or otherwise resolve disputes regarding property rights."

22. The instant case does not concern only Section 1501 of the Public Utility Code. The Complainants have set forth, under Cause of Action II of their Amended Complaint, that the Commission's policy of mandating the installation of smart meters would force the Complainants' properties to be used by PPL with its AMI meters for purposes other than the collection of the Complainants' electricity usage data. That is, the Commission's policy would forcibly allow PPL to use Complainants' homes as "relay points to transmit data" that does not originate from the Complainants' properties. The Commission's policy pursuant to Act 129 thus violates the Complainant's rights under the Fifth Amendment to the Constitution of the United States. Therefore this is not a simple property rights dispute between the Complainants and PPL Electric Utilities. It is not about who owns the properties in question or where the boundaries lie. On the contrary, it is about whether PPL Electric Utilities, **acting with the Imprimatur of the State**, can take usage of the Complainants' properties without such usage having been granted either by the existing easement or by the Complainants' informed consent.

23. Complainants' Interrogatories. Set III, I-165 through I-168 state:

I-165. Please cite any law, statute, official rule, or right of easement which would permit PPL to install radiofrequency transmission antennas on Complainants' homes without their consent.

I-166. Please cite any law, statute, official rule, or right of easement which would permit PPL to install computer devices on Complainants' homes without their consent.

I-167. Please cite any law, statute, official rule, or right of easement which would permit PPL to install any device other than a meter, only a meter, and nothing but a meter on Complainants' homes without their consent.

I-168. Please cite any law, statute, official rule, or right of easement which would permit PPL to use Complainants' homes for the company's AMI meters to function as "relay points to transmit data."

24. Respondent has objected to I-165 through I-168 stating:

"The Company objects to Complainants-III-165 through 168 on the grounds that these requests improperly seek legal opinions."

Both the Pennsylvania Public Utility Commission and PPL Electric Utilities Corporation are bound by the laws and statutes of the Commonwealth of Pennsylvania and by the laws and Constitution of the United States, and as such, the Commission and PPL Electric Utilities are prohibited from abridging or violating the rights, including property rights, of citizens of the United States. Complainants have requested a simple citation of any statute, law or rule that would permit Respondent PPL to act **as an agent of the State** in a way that would encroach upon the Complainants' rights protected under the Constitution of the United States.

25. Complainants Set III, Question I-76 requests:

I-176. In reference to PPL's Customer Privacy Policy (PPL Electric Exhibit KD-4), please clarify and explain the following in detail:

- (1) In the bullet item "Providing necessary information to authorized EGSs and/or third party representatives," what is "necessary information"?
- (2) the bullet item "Aggregating data by retail electricity provider to settle the wholesale market"
- (3) In the statement: "PPL Electric does not share AMI Data, except as required or permitted by law, regulatory agencies, or governmental authorities," specifically what exceptions are required or permitted by law, regulatory agencies or governmental authorities?
- (4) According to PPL's privacy policy, does not the burden of responsibility fall upon the customer to do the necessary event log monitoring of the web portal in order to discover whether a user has gained unauthorized access to the customer's data?
- (5) Concerning the statement, "PPL Electric may share AMI Data in an aggregated and anonymized form": Specifically what data is aggregated, and how is it anonymized? How can PPL ensure that third parties with whom the company shares such data are not able to

disaggregate and de-anonymize the data? How would third parties use the data if they were to not be able to identify the customers associated with the data?

26. Respondent has objected to I-176 stating:

"The Company objects to Complainants-III-176 on the grounds that the request improperly seeks legal opinions, is vague, and seeks information not within PPL Electric's possession."

In Interrogatory I-176, the Complainants simply have requested the Respondent to "explain and clarify" information contained in PPL's *Customer Privacy Policy* (PPL Electric Exhibit KD-4), **which is the Company's own document**. PPL's blanket objection to Interrogatory I-176 is therefore blatantly false, unwarranted and without merit.

27. Complainants are entitled to full and complete answers to their discovery requests. Because the Respondent has failed to properly answer any requests put forth in the Complainants' Interrogatories and Requests for Production of Documents, Set III, and instead has proceeded to stonewall, the Respondent is obstructing and impeding the discovery process and is thereby denying Complainants their due process right to full and complete discovery.

28. Given the Respondent's complete failure to provide answers and to identify or produce any supportive documents requested by Complainants' Interrogatories I-1 through I-162, the propositions clearly and unambiguously stated in those Interrogatories remain, by the Respondent's choice, unasserted and thus un-affirmed.

29. Respondent's refusal to answer, that is, to either affirm or deny the propositions stated in Complainants' Interrogatories Set III, numbers I-1 through I-162, **establishes as FACT** that the Respondent has NOT asserted or claimed, and does NOT assert or claim, that there **is** a reliable medical and scientific basis upon which to conclude that exposure to radiofrequency radiation and RF fields, as a result of PPL Electric's installation of AMI wireless smart meters, would not, will not, could not and cannot cause, exacerbate, or contribute to biological or adverse health effects.

WHEREFORE,

The Complainants hereby respectfully request that this Court duly compel the Respondent, PPL Electric Utilities Corporation, to provide full and complete answers to Complainants' discovery requests, Set III.

Alternatively,

Because the Respondent has not provided answers to Interrogatories I-1 through I-162 (Set III), and because the Respondent has failed thereby to affirm with answers and documentation that there **is** a reliable medical and scientific basis upon which to conclude that exposure to radiofrequency radiation and RF fields, as a result of PPL Electric's installation of AMI wireless smart meters, would not, will not, could not and cannot cause, exacerbate or contribute to biological or adverse health effects, the Complainants request a finding by this Court that, insofar as concerns the proceedings of the instant case,

there is **no** reliable medical and scientific basis upon which to conclude that exposure to radiofrequency radiation and RF fields, as a result of PPL Electric's installation of AMI wireless smart meters, would not, will not, could not and cannot cause, exacerbate or contribute to biological or adverse health effects.

The Complainants concomitantly request that this Court duly compel the Respondent, PPL Electric Utilities Corporation, to provide full and complete answers to the remainder of the Complainants' discovery requests, Set III.

Respectfully submitted,

Dated: June 27, 2020

Handwritten signatures of John and Janet Holder in blue ink.

John and Janet Holder, Complainants

(ATTACHMENT)