

April 03, 2021

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

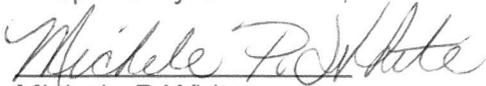
Re: Michele P. White v. PPL Electric Utilities Corporation
Docket No. C-2021-3024463

Dear Secretary Chiavetta:

Enclosed for filing are my Answers to Preliminary Objections of PPL Electric Utilities Corporation to the Complaint of Michele P. White in the above-referenced proceeding.

I am not an attorney and don't understand much of this process, but I am responding to the best of my ability to what I do understand. Dealing with this situation causes overwhelming anxiety and limits my ability to think and respond clearly during panic attacks.

Respectfully Submitted,


Michele P White

Copies will be provided to the following via email and US mail:

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1. Regarding I. BACKGROUND, Item 3:

Item 3. fails to clearly include that my new Complaint is based on new legal precedent.

A recent Commonwealth Court decision has clearly invalidated the PUC decision in my first case, including the legal conclusion that there is no opt out "option".

The PA Commonwealth Court (M. Povacz v. PA PUC – 492, 606) 10/08/2020 upheld that PA Act 129 is NOT a Smart meter mandate bill, but an opt-in bill, invalidating the PUCs interpretation.

That decision is the official law on this matter unless and until the PA Supreme Court disagrees.

In Nov, 2020, the PA PUC announced that customer complaints in opposition to Smart Meter installation would be "stayed" pending the appeal process to the PA Supreme Court. This announcement was publicized in media outlets including the Philadelphia Inquirer, MSN news, and The Morning Call, among others. I was under the impression it applied to me and I could live calmly until at least 2022.

I am requesting that any adjudication of my complaint be stayed and any installation of a new meter blocked until the PA Supreme Court makes its decision in the Povacz case appeal, and until the appeal period for that decision has expired or until any decision is reached by the lower court after remand by the PA Supreme Court.

It would seem the preliminary objections filed against me by PPL Electric Utilities are inappropriate, as the "stay" announced by the PA PUC should act as an injunction that prevents the utility from shutting off my power until such time as the PA Supreme Court decides the issue.

2. Regarding II. STANDARD OR REVIEW:

I do not understand the meaning of this section.

3. Regarding III. PRELIMINARY OBJECTIONS A OBJECTION NO. 1:

I do not understand the meaning of most of this section.

I do understand PPL Electric Utilities contends that I don't have the right to re-argue a case that has already been decided.

The PA Commonwealth Court ruling (M. Povacz v. PA PUC – 492, 606) 10/08/2020 upheld that PA Act 129 is NOT a Smart meter mandate bill, but an opt-in bill, invalidating the PUCs interpretation in my prior Complaint.

The Commonwealth Court decision has clearly invalidated the PUC decision in my first case, including the legal conclusion that there is no opt out "option".

This is the official law on this matter unless and until the PA Supreme Court disagrees.

With respect to Item 16. - I was unaware that I was able to file a petition for reconsideration challenging the First Complaint Order.

With respect to item 17. – I was not in a position to hire an Attorney to represent me in a petition for review with the Commonwealth Court disputing the First Complaint Order and was not emotionally/mentally able to represent myself at that time. I broke down during my Tele-Hearing and was barely able to speak. This is a grueling process for a common citizen with deeply-held religious beliefs who suffers from emotional illness, and who is having technology forced on them that violates those beliefs

Additionally, when I came home to a shutoff notice on my doorknob on Friday, March 05, 2021 I went into a panic and reached out to the Administrative Law Judge Office and received the response below. Subsequently I received a call back from Alphonso Arnold III from the same office, also directing me to the complaint process. I filed a new Complaint based on new legal precedent under the impression it was acceptable practice, since the ALJ sent me the link. The ALJ knew the reason for my new Complaint, and also remembered my initial Complaint.

From: Barnes, Elizabeth [mailto:EBARNES@pa.gov]
Sent: Friday, March 05, 2021 2:23 PM
To: whitebml@comcast.net
Subject: RE: [External] RE: C-2018-3003468 Michele White

Ms. White:

I recall your case. I can give you a link to the Commission's Complaints webpage, which describes how to file an informal or a formal complaint at the Commission. <https://www.puc.pa.gov/complaints/>. I cannot give you legal advice otherwise as I am an administrative law judge.

Regards,

*Elizabeth H. Barnes
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Office of Administrative Law Judge
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265
ebarnes@pa.gov*

From: The Whites <whitebml@comcast.net>
Sent: Friday, March 5, 2021 2:09 PM
To: Barnes, Elizabeth <EBARNES@pa.gov>
Subject: [External] RE: C-2018-3003468 Michele White
Importance: High

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA_SPAM@pa.gov.

Good Afternoon Judge Barnes,

I am reaching out in a panic, as PPL is threatening to shut off my electric without enough notice to seek legal advice. I spoke to Susan at the PUC and she was going to reach out to the Administrative Law Judges office, but I had called earlier and gotten a recording saying they were out of the office. A lightbulb went off in my head that I still had your contact information.

I lost my smart meter case in May, and had not heard any more on the issue from PPL, so I was assuming that the COVID situation put the smart meter activity on the back-burner.

Then, in November the lower court ruled against the smart meter mandate and I thought there was light at the end of this very long, dark tunnel.

I have been paying more than my highest-ever bill monthly since they stopped reading my meter over a year ago.

I have a credit balance.

Today I came home to a cutoff notice for 03/10/21. No time to arrange time off work to find legal advice, etc.

How can they cut off my electric when the mandate has been overturned in the lower court??? Isn't this a stay of execution until the higher court case proceeds?

I suffer from an extreme anxiety disorder and this is putting me over the edge.

Can you please, please offer advice on how I can stop this?

Respectfully,
Michele White

4. Regarding III. PRELIMINARY OBJECTIONS B OBJECTION NO 2:

a) My position is that the Federal Fair Housing Act applies to all, and has been applied to state and local governments as per the HUD website.

It is my contention that regardless of whether the PA PUC has the Jurisdiction or Authority to **enforce** the Federal Fair Housing Act, both PPL Electric Utilities and the PA PUC are required to be **in compliance** with this Act. To be **out of compliance** with Federal Law puts a person, company, state or local government/agency in **violation** of it.

For that reason this verbiage should not be stricken from my new Complaint (which is based on new legal precedent).

b) My position is that the American's with Disabilities Act applies to all, and applies to state and local government entities in addition to individuals and companies as per the www.ada.gov website.

It is my contention that regardless of whether the PA PUC has the Jurisdiction or Authority to **enforce** the American's with Disabilities Act, both PPL Electric Utilities and the PA PUC are required to be **in compliance** with this Act. To be **out of compliance** with Federal Law puts a person, company, state or local government/agency in **violation** of it.

For that reason this verbiage should not be stricken from my new Complaint (which is based on new legal precedent).

5. Regarding IV. CONCLUSION:

The recent Commonwealth Court decision (M. Povacz v. PA PUC – 492, 606) 10/08/2020 upheld that PA Act 129 is NOT a Smart meter mandate bill, but an opt-in bill.

This decision has clearly invalidated the PUC decision in my first case, including the legal conclusion that there is no opt out "option".

That decision is the official law on this matter unless and until the PA Supreme Court disagrees.

I am requesting that any adjudication of my complaint be stayed and any installation of a new meter blocked until the PA Supreme Court makes its decision in the Povacz case appeal, and until the appeal period for that decision has expired or until any decision is reached by the lower court after remand by the PA Supreme Court.

It would seem the preliminary objections filed against me by PPL Electric Utilities are inappropriate, as the "stay" announced by the PA PUC should act as an injunction that prevents the utility from shutting off my power until such time as the PA Supreme Court decides the issue.