

July 27, 2021

DATE OF DEPOSIT

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

JUL 30 2021

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Re: Lloyd and Susan Horst v. PPL Electric Utilities Corporation Docket No.  
C-2021-3026448**

Dear Secretary Chiavetta:

We are responding to PPL's Preliminary Objections to our Formal Complaint. We were overwhelmed by the length of the PPL Document, its numerous legal references, and long-winded argumentation and could not reply within the brief 10 days PPL allotted in its Notice to Plead. Calling your office, we received clarification from Toya Toro that we had until August 9 to enter our reply.

It seems to us that the core of PPL's objection rests with their assertion that "the issues regarding the installation of the AMI meter at this property, as well as the concerns already alleged therein, are barred by the Commission's First Complaint Order pursuant to 66 Pa. C.S. § 316." That is, we, the complainants, are arguing again what we argued before, and this we cannot do.

In our Initial Formal Complaint we argued against installation of an AMI smart meter on six grounds:

1. Violation of 4<sup>th</sup> amendment
2. Health reasons
3. Dirty electricity
4. Radiation
5. Violation of our rights against mandated purchases
6. We prefer keeping our analog meter

In the Decision rendered by ALJ Barnes, all of these reasons were dismissed for one reason or another and our Formal Complaint as a whole dismissed on March 6, 2020 and the case closed on July 8, 2020.

On October 8, 2020 the Commonwealth Court (CC) ruled in *Povacz et al. vs. PECO* and the PUC that smart meters were not mandated by Act 129; interpreting correctly the plain English reading of § 2807(f)(2).

Oddly, while PPL mentions this case, it does not acknowledge that if Act 129 does not mandate that all customers get smart meters, then this simple statement of law by the Commonwealth Court renders moot the Preliminary Objections PPL raises. That is, without the mandate, the Complainants' case never would have had to be filed, as the Complainants would have been able to retain our analog meter. The Commonwealth Court has ruled that there is no mandate. Therefore, we, the Complainants, and all other Complainants past and present, and in effect all utility customers in PA do not have to get a smart meter. There is not much else to parse here.

The PUC and PECO have appealed the Commonwealth Court's Povacz decision, and the PA Supreme Court has agreed to hear the appeal.

PPL's attempt to switch out our analog meter violates the Commonwealth Court's decision in Povacz et.al. As the PUC and utilities have appealed this decision to the Supreme Court, we request that we be allowed to keep our present meter at least until the Supreme Court rules on this case. Our present Formal Complaint is not a rehash of our previous formal complaint. Consequently, § 316 is not relevant. We direct you, therefore, to contact PPL to make sure they do not switch out our meter or turn off our power.

Sincerely,

*Lloyd Horst*  
*All Rights Reserved*  
*Susan Horst*

Lloyd & Susan Horst  
2151 Thoroughbred Lane  
Lancaster, PA 17601  
E-mail: [hjer2911@comcast.net](mailto:hjer2911@comcast.net)

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**CERTIFICATE OF SERVICE**

We hereby certify that a true and correct copy of the foregoing has 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).

We believe we have served all necessary parties, but if we have erred, please notify us so we can rectify any omissions.

**VIA E-MAIL and FIRST CLASS MAIL**

Nicholas A. Stobbe (ID # 329583)  
Post & Schell, P.C.  
17 North Second Street, 12th Floor  
Harrisburg, PA 17101-1601

E-mail: [nstobbe@postschell.com](mailto:nstobbe@postschell.com)

Date: July 27, 2021

*Lloyd Horst*  
*All Rights Reserved*  
*Susan Horst*

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Lloyd + Susan Horst  
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Lancaster PA. 17601

**CERTIFIED MAIL**



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