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3	<u>Protestant's</u>		
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P R O C E E D I N G S

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2 ADMINISTRATIVE LAW JUDGE HERBERT SMOLEN: This is a
3 further hearing pursuant to the Commonwealth Court and
4 the Commission's orders relative to the Woodbourne-Heaton
5 230 kV line in Montgomery and Bucks Counties.

6 Today's hearing is devoted to receiving oral direct
7 testimony and cross-examination of Resident Petitioners,
8 Protestants. If there are any preliminary procedural
9 matters which have to be discussed we will hold those in
10 abeyance because we have a good number of members of the
11 public present and we want to hear their testimony and
12 then we will deal with any procedural matters at the
13 conclusion thereof.

14 Is that satisfactory, Counsel?

15 MR. SUGARMAN: Yes, Your Honor.

16 MR. BONNEY: I do have one preliminary matter with
17 respect to the testimony.

18 JUDGE SMOLEN: Go ahead.

19 MR. BONNEY: Mr. Sugarman and I discussed the other
20 day this question and I think we have agreed that the
21 residents who testify here today are not presenting
22 expert testimony regarding E/MF and the testimony would
23 not be cited as such in the briefs. I just wanted to
24 make that clear and our understanding clear.

25 JUDGE SMOLEN: Is that correct, Mr. Sugarman?

1 MR. SUGARMAN: That's correct.

2 JUDGE SMOLEN: All right. That information is
3 spread on the record.

4 Let me ask again that Counsel again enter their
5 appearances orally so that the members of the public who
6 are present in the hearing room can see who represents
7 what interests in the event that they were not present at
8 the initial hearing.

9 Let's start off with Mr. Bonney.

10 MR. BONNEY: Paul Bonney, on behalf of Philadelphia
11 Electric Company. .

12 MS. KHANWALKAR: Arundkati Khanwalkar, Pennsylvania
13 Power & Light.

14 MS. BURKET: Patricia Krise Burket representing the
15 Commission's Prosecutory Staff.

16 MS. McCLOSKEY: Tanya McCloskey, representing the
17 Office of Consumer Advocate.

18 MR. SUGARMAN: Robert Sugarman, representing the
19 Protestants.

20 JUDGE SMOLEN: The Administrative Law Judge
21 recognizes and welcomes to this public hearing
22 Commissioner Wendell F. Holland, Commissioner of the
23 Pennsylvania Public Utility Commission, together with
24 members of his staff. And in addition, I recognize the
25 staff member of Commissioner Joseph Rhodes, who is also

1 present in this hearing room.

2 Having completed those formalities, let me call on
3 Mr. Sugarman to proceed with the presentation of public
4 witnesses.

5 MR. SUGARMAN: Thank you, Your Honor.

6 I would like to call Mr. Edward Koerper.

7 Whereupon,

8 EDWARD F. KOERPER, JR.

9 having been duly sworn, testified as follows:

10 JUDGE SMOLEN: State your full name and address,
11 your residence address, for this record.

12 THE WITNESS: My name is Edward F. Koerper, Jr. My
13 residence is 300 Casey Circle, Huntingdon Valley, Upper
14 Southampton Township, Bucks County, Pennsylvania.

15 JUDGE SMOLEN: Mr. Sugarman.

16 MR. SUGARMAN: Thank you, Your Honor.

17 DIRECT EXAMINATION

18 BY MR. SUGARMAN:

19 Q. Mr. Koerper, would you identify your residence
20 in relationship to, and describe its relationship, to the
21 proposed transmission line location and the transmission
22 line of the Philadelphia Electric Company, the 238 kV
23 line?

24 A. The line as it is now situated is 143 feet from
25 my residence. It is 63 feet -- my residence, itself, the

1 home, is 63 feet from the edge of the right-of-way --
2 from the edge of the property.

3 Q. Can you describe for the Commission the uses to
4 which your property is put between the residence and your
5 property line? By the way, your property line adjoins
6 that of the transmission line right-of-way, is that
7 correct?

8 A. Actually, my property line adjoins that of
9 Conrail's right-of-way. The PECO right-of-way is 50 feet
10 beyond my property line.

11 JUDGE SMOLEN: When you say beyond, you mean within
12 the Conrail right-of-way or outside the Conrail
13 right-of-way?

14 THE WITNESS: As I understand it, PECO purchased a
15 60 foot right-of-way and I am taking that to mean 30 feet
16 on either side of the centerline of the powerline. There
17 is 80 feet from the center of the powerline to the edge
18 of my property. Subtract 30 feet and that leaves a
19 remainder of 50 feet between the edge of the right-of-way
20 and my property line.

21 BY MR. SUGARMAN:

22 Q. In other words, you are saying that the pole is
23 80 feet from your property line?

24 A. That's correct.

25 Q. And you understand that PECO has a 60 foot

1 right-of-way?

2 A. That is what I understand.

3 Q. So you are assuming that 30 feet of that is
4 between the pole and your property?

5 A. Correct.

6 Q. And that would leave 50 feet that is Conrail?

7 A. Correct.

8 Q. Would you describe to the Commission where your
9 house is situated whether the transmission line is closer
10 to your rear or front yard?

11 A. It is closer to my rear yard. My rear yard
12 abuts the Conrail right-of-way, the entire length.

13 Q. The entire length of your rear yard?

14 A. That's correct.

15 Q. What distance is that in feet?

16 A. That is approximately 200 feet.

17 Q. So you have 200 feet and the powerline is 80
18 feet from your property line for that 200 feet?

19 A. That's correct.

20 Q. And that is your rear yard?

21 A. That's correct.

22 Q. Would you describe to the Commission the uses
23 to which you put your rear yard?

24 A. I have two young children, three and four years
25 of age, two girls. They have their toys and swing set.

1 Of course, they are home at that young age. They are
2 there constantly. That is their back yard to play in.
3 We have a patio out there for family meals in the
4 summertime. And we put our rear yard to great uses.
5 That is their play area, that is where they are safe.
6 Our home is situated on a cul-de-sac and it is a very
7 safe area, at least it was.

8 Q. Now, what is your understanding and from where
9 do you derive your understanding as to the condition that
10 you will live with with respect to the uses of your
11 property, and specifically your rear yard for the moment,
12 if the transmission line that PECO is proposing is in
13 fact approved and energized?

14 MR. BONNEY: Your Honor, I'm sorry to interrupt but
15 I think that calls for speculation.

16 THE WITNESS: I know what I have read.

17 JUDGE SMOLEN: Just a moment. We have an
18 objection.

19 Do you want to respond?

20 MR. SUGARMAN: Yes. It is fundamental to this
21 case, Your Honor, what the company has called prudent
22 avoidance, which it recommended that people consider,
23 that because of the proliferation of scientific evidence
24 and the general consensus as to the fact that there is at
25 risk and a considerable body of evidence that there is in

1 fact a danger that electro-magnetic fields do cause
2 molecular changes that prudent avoidance on the part of a
3 rational person would lead to certain actions with
4 respect to the use of the property. That is defined in
5 the Commission's regulation as a land use -- the
6 Commission's regulations define land use as one of the
7 factors that the Commission is to receive evidence on and
8 to consider in determining whether to grant.

9 JUDGE SMOLEN: Your question, however, was on what
10 is he basing his testimony? Wasn't that the nature of
11 your question? Not what the information was but on what
12 source materials is he basing his opinions or position
13 today?

14 MR. SUGARMAN: I could modify it and ask him what
15 information he has. My purpose is three-fold --

16 JUDGE SMOLEN: Wait. Let me interrupt you. Let's
17 hear the question again.

18 MR. SUGARMAN: I will rephrase the question.

19 JUDGE SMOLEN: Go ahead.

20 BY MR. SUGARMAN:

21 Q. Mr. Koerper, what information do you have, what
22 is your understanding in terms of the information that
23 you have, relative to what limitations or changes in your
24 use of your property would be rational for you to
25 undertake in the event that the line is approved and

1 energized?

2 A. My yard --

3 JUDGE SMOLEN: I am going to stop you for a moment.

4 THE WITNESS: All right.

5 JUDGE SMOLEN: Because I think -- I don't want to

6 -- well, we have to get technical in this proceeding.

7 Your question assumes that the line has not been

8 approved, whereas in fact the Commission has actually

9 approved the line. And within the framework of your

10 question you are asking this witness to assume that the

11 line has not yet been approved.

12 MR. SUGARMAN: Well, in that case I will rephrase

13 the question and ask him if the line is energized.

14 JUDGE SMOLEN: All right.

15 BY MR. SUGARMAN:

16 Q. If the line is energized...

17 MR. SUGARMAN: But, Your Honor, let me say that I

18 understand the Commonwealth Court decision followed by

19 the Commission order reopening the proceedings

20 necessarily opens up the previous approval. But we don't

21 need to debate that now. I wanted to state my position.

22 JUDGE SMOLEN: That is your position. I would

23 assume that Mr. Bonney might have some other position.

24 MR. SUGARMAN: I would think he does.

25 JUDGE SMOLEN: It has been expressed by the parties

1 in the pleadings which have already been filed. So let's
2 not dwell on that.

3 MR. SUGARMAN: But I agree there is not need to
4 include it in the question.

5 JUDGE SMOLEN: Okay.

6 BY MR. SUGARMAN:

7 Q. If the line is energized, Mr. Koerper, what
8 information and understanding do you have as a result of
9 that information relative to the effects it would have on
10 your use of your property and your children's use of your
11 property?

12 A. From what I have learned it's going to change
13 my property and my home substantially. It's going to be
14 different and it's going to create a different
15 environment from what I had previously if the line is
16 energized. I have done a great deal of research, I have
17 done a lot of reading and I have also done the reading of
18 the information supplied to us by the utility which
19 indicates that we should use prudent avoidance. With the
20 electro-magnetic fields that are going to be emitted from
21 this powerline it is going to be impossible for me to
22 practice prudent avoidance.

23 My property is going to be constantly encompassed
24 by these fields that I cannot shield my family from. I
25 have some articles that I have brought along with me,

1 including articles that were written and put out by the
2 utilities, which indicate that prudent avoidance should
3 be practiced. But I am not given that opportunity and my
4 family, I have no way to shield my family. So that
5 doesn't leave me with much choice other than to leave and
6 to move, which presents additional problems for me.

7 Do I just list the house and try to sell it? With
8 all that has been written, especially in just the past
9 year and all the media attention that has been given to
10 this subject, it is becoming well known that there is a
11 certain degree of probable danger with regard to living
12 in close proximity to powerlines. Do I reduce the price
13 of my house to nothing and simply give it away?

14 MR. BONNEY: Objection, Your Honor. I'm sorry to
15 interrupt the witness, but I think you have ruled in your
16 prehearing order that the question of decrease in
17 property values is beyond the jurisdiction of the
18 Commission to consider and I would like a ruling that
19 testimony on that would not be admitted.

20 MR. SUGARMAN: What I understand the Commission's
21 ruling to be is that it cannot consider the question of
22 property value. But the context of that ruling and the
23 context of Your Honor's ruling relates to the
24 Commission's lack of jurisdiction to establish the amount
25 of damages to be paid. And that is the origin of that

1 whole concept, that the Commission cannot say we hereby
2 award you so much money or we hereby determine that you
3 should be awarded so much money.

4 The term land use, which is required to be
5 considered, and the effect on the environment, which is
6 required to be considered, has a relationship to property
7 value which does not require the Commission to establish
8 the amount of damages which is clearly within the
9 jurisdiction and responsibility of the Commission.

10 If I can illustrate that, we have a witness here
11 that you can testify --

12 JUDGE SMOLEN: Let me interrupt you. You may not
13 want to finish after I say what I am going to say.

14 I am going to permit the testimony.

15 MR. SUGARMAN: Thank you, Your Honor.

16 JUDGE SMOLEN: However, I am going to also direct
17 the parties in their briefs which ultimately will be
18 filed in this case to address this very question which
19 Counsel have now raised. And inasmuch as we are not
20 dealing with a jury here, the Administrative Law Judge if
21 he determines that it is not an issue to be considered
22 can disregard this testimony, and if he determines that
23 it is an issue then he can consider it. So for today's
24 hearing I am going to permit this type of testimony, but
25 not beyond.

1 Now, we are not going to try to establish what kind
2 of values there are or devalues which may or may not
3 occur. So we will let this testimony go in and Counsel
4 are directed to address these questions in their briefs.

5 MR. SUGARMAN: If Your Honor will allow me, I
6 understand and we will do so. And with respect to the
7 caveat that Your Honor put on it, the only way that we
8 will get into values is in terms of the effect on land
9 use, environment and health and safety. And what I mean
10 by that is that if a witness testifies I don't have money
11 to buy another house and my house is going to be
12 substantially depreciated or difficult for me to sell and
13 buy another house, that is a land use, environment and
14 health and safety effect.

15 We are not going to prove how many dollars it is.
16 We are not going to try to get an award of damages. But
17 the general concept of the land use effect is what we are
18 after and I want to keep the witnesses pointed in that
19 direction rather than in terms of dollars of
20 depreciation.

21 JUDGE SMOLEN: In the event a witness should
22 testify that they don't have money to buy another house,
23 that they intend to sell and buy another house, aren't
24 you opening such an issue here that on cross-examination
25 Counsel could go into the financial condition of each and

1 every witness and open all their bank accounts and open
2 all their holdings, et cetera? Which is an issue which
3 is not really before this Commission and should not
4 burden the time of these people.

5 MR. SUGARMAN: It has to be addressed, Your Honor,
6 for this reason: the health and safety is an issue of
7 prudent avoidance. Prudent avoidance not only deals with
8 the expense to the company of relocating the line but it
9 deals with the expense to the individuals of relocating
10 their families to get away from the line. If you don't
11 relocate the line -- the company has talked about how
12 much it would cost to relocate the line. If you don't
13 relocate the line then how much does it cost to relocate
14 the people?

15 To put it another way, prudent avoidance, if one of
16 my clients has a trust fund and has the money to buy a
17 new house then prudent avoidance might dictate that he or
18 she does that. But if they don't have any money then
19 what do they do by way of prudent avoidance?

20 I understand Your Honor's concern about this and I
21 think it is a matter of credibility and there can be some
22 cross-examination into it and my clients are aware of
23 that. I have discussed that with them. But I don't
24 think that you can address the prudent avoidance question
25 without determining what is prudent given an individual's

1 circumstances. It may be prudent for a rich person to
2 sell his house at a loss if necessary and move. It's not
3 prudent for one who only has money to send their children
4 to college to do that. Or may not be prudent. I don't
5 know.

6 JUDGE SMOLEN: Do any other Counsel want to be
7 heard on this particular issue?

8 MR. BONNEY: I would like to add something.

9 JUDGE SMOLEN: Go ahead, Mr. Bonney.

10 MR. BONNEY: We have relied on your prehearing
11 order which made it clear that evidence regarding
12 decreases in property values would not be permitted. And
13 at this time if you are going to permit that testimony we
14 would ask that we have additional time to prepare
15 cross-examination with respect to that and rebuttal
16 testimony.

17 JUDGE SMOLEN: Well, let's just see. Your request
18 is noted. Let's just see where we are going with this.
19 Let's proceed with the question and answer and see how
20 far we go. Counsel are sufficiently able to make
21 objections at the appropriate time in the interests of
22 their client. Let's go ahead.

23 A. I will go beyond the money situation, and I
24 think there is a -- as far as I am concerned there is a
25 moral problem with me in the fact that I met with the

1 realtor and said I am going to list the house and I am
2 going to sell it. And then I started thinking about
3 knowing what I know now and what I have learned just by
4 reading and listening to different people how can I put
5 my problem into another family's -- give my problem to
6 another family. How can I sell my house to another
7 family and not explain to them what I now know.

8 So I am really in a catch-22 situation so to speak
9 wherein I really have no choice but to either leave, just
10 abandon, when the line is energized, if it is energized,
11 to protect my family from what I now know, or -- you
12 know, I just don't know what to do. It's got me in a
13 turmoil. It has created an unbelievable atmosphere in my
14 home. It has created a situation where it is very
15 difficult to watch and see this continue and not see our
16 own Public Utility Commission and our own utility take
17 matters and look at this information instead of just
18 ignoring it and do something.

19 I mean, the right-of-way here is not sufficient and
20 it is practically -- the pole is practically on top of my
21 property. It is a 75 foot pole; if it falls it is
22 practically going to fall on my property.

23 I have information here, and if I could --

24 MR. SUGARMAN: I am going to ask a question.

25 BY MR. SUGARMAN:

1 Q. Would you describe to the Commission, because
2 of the issue of whether your concerns are rational or
3 irrational is generally regarded as an issue to be
4 addressed, would you describe the basis and your
5 knowledge of your concerns of the necessity for prudent
6 avoidance?

7 A. That is what we are being told to practice from
8 both our utility and from our Public Utility Commission.

9 Q. Now, you say from the utility. Did you have
10 any direct interaction with PECO on the subject?

11 A. The only direct interaction I had with PECO and
12 their representatives was an original meeting back in
13 August of 1990 wherein we sat down with them in the very
14 early stages when we first found out about what was going
15 on in an attempt to answer questions. And I have to
16 admit that I was totally ignorant of even what an E/MF
17 has or what E/MFs were at that point until people started
18 saying, hey, look at this. That is when we sat down with
19 PECO and we said, you know, what are you doing and what
20 is the risk to us and our families.

21 And we were told, well, there is a risk of a risk.
22 I mean, we were told different things. But basically
23 what we have been told since that time is to practice
24 prudent avoidance.

25 Q. Now, did you hear Chairman Smith of the Public

1 Utility Commission make a statement at a Public Utility
2 Commission meeting on or about March 6, 1991, that he had
3 a California study which showed that there was no E/MF
4 problem?

5 A. Well, that is what he based his response to our
6 petition on, was that California study. It was a \$2
7 million study that was done by the Public Utility
8 Commission of California which basically, if you just
9 read the conclusion it simply stated that the utilities
10 at this point should not do anything but should continue
11 to research because there is evidence. But, I mean, the
12 book was extremely thick and it was --

13 BY MR. SUGARMAN:

14 Q. Did you get the book?

15 A. Yes. After that testimony we made sure that we
16 obtained that complete California study and since that
17 time I have read that study.

18 Q. Did it reassure you?

19 MR. BONNEY: Your Honor, he's leading the witness.

20 MR. SUGARMAN: I'm sorry.

21 BY MR. SUGARMAN:

22 Q. Did reading it reassure you that there was no
23 cause for concern?

24 MR. BONNEY: Your Honor, that is still a leading
25 question.

1 JUDGE SMOLEN: I will overrule the objection. You
2 can answer that.

3 A. The study clearly indicates that there is very
4 much --

5 JUDGE SMOLEN: Don't tell us what the study says.
6 The question was were you reassured by reading the study

7 THE WITNESS: No, I wasn't.

8 BY MR. SUGARMAN:

9 Q. And why not?

10 A. Because the study clearly indicated that there
11 was without a doubt biological effects caused by E/MFs.

12 Q. Did you in preparation for your testimony here
13 today make some copies of some of the pages of that
14 study?

15 A. I did.

16 Q. Do you have them with you?

17 (Document handed to Mr. Sugarman.)

18 MR. SUGARMAN: I will ask that this be marked as
19 Protestant's 2.

20 JUDGE SMOLEN: You had a cross-examination exhibit.

21 MR. SUGARMAN: This is direct now. Shall we start
22 a new series?

23 JUDGE SMOLEN: Well, let's keep it in order to make
24 it easier. Let's make it Protestant's No. 2 for
25 identification.

1 (Whereupon, the document was marked
2 as Protestant's Exhibit No. 2
for identification.)

3 MR. SUGARMAN: I have one for Mr. Bonney.

4 BY MR. SUGARMAN:

5 Q. Do you have the study itself?

6 A. No. I didn't bring that.

7 MR. SUGARMAN: Can I take that for a moment?

8 MS. KHANWALKAR: Sure.

9 (Document handed to Mr. Sugarman.)

10 MR. SUGARMAN: I will make more copies, Your Honor.

11 BY MR. SUGARMAN:

12 Q. Would you identify for His Honor the pages that
13 you brought with you and what they told you?

14 MR. BONNEY: I would object, Your Honor.

15 BY MR. SUGARMAN:

16 Q. In terms of prudent avoidance.

17 MR. BONNEY: Objection, Your Honor.

18 JUDGE SMOLEN: What is the objection?

19 MR. BONNEY: On several grounds. First of all, we
20 have stipulated that the witnesses testifying today are
21 not experts on E/MF. There has been no attempt to
22 qualify this witness as an expert on E/MF or, for that
23 matter, to sponsor this document.

24 The author of this document is not being presented
25 as a witness. I am not even sure who the author of the

1 document is. So we can't cross-examine on the document.

2 Further, we had requested from the Protestants that
3 they provide to us copies of every document they intended
4 to present at the hearing today and we received no copies
5 of documents. So we are not prepared to cross-examine on
6 this and if it is admitted we would ask for additional
7 time possibly to call the witness back to cross-examine
8 with respect to it.

9 MR. SUGARMAN: Let me qualify the subject of the
10 offer here. The proffer here is not substantive evidence
11 of the conclusions of the study. The proffer here is as
12 to the reasonable actions of the public in response to
13 the energization of the line. What are people supposed
14 to do when they read a legal document which is
15 recommended to them by the chairman of the Pennsylvania
16 Public Utility Commission as something that will reassure
17 them and they go and get the document and what it says.

18 So it goes to what is the effect on land use and it
19 goes to what is the effect on the environment. I am not
20 suggesting that it goes to the effect, the direct E/MF.
21 This is not being offered that there will be E/MF
22 effects. It is being offered that the people who live
23 along the line who will have to take substantial action
24 if they follow the conclusions and the findings of a
25 study which is commended to them by the chairman of the

1 Pennsylvania Public Utility Commission.

2 JUDGE SMOLEN: Mr. Bonney.

3 MR. BONNEY: Your Honor, I am not sure how a study,
4 which of course we have not had an opportunity to review,
5 by a California state legislature has anything to do with
6 the environment or their fears, for that matter, of this
7 line. And I would add to my objection that I think this
8 is irrelevant based on the offer that Mr. Sugarman made.

9 JUDGE SMOLEN: Mr. Sugarman, I am not going to
10 permit this witness to tell us what is in this study
11 because we have the study or this report marked as an
12 exhibit. It has not been offered yet.

13 But I would permit him to testify that as a result
14 of his reading and his understanding of what this study
15 or what this report means to him, which may or may not be
16 correct, what action he will take or won't take.

17 MR. SUGARMAN: Thank you, Your Honor.

18 BY MR. SUGARMAN:

19 Q. Mr. Koerper, you are allowed to testify as to
20 your understanding of that document.

21 JUDGE SMOLEN: No, that's not what I said. I said
22 based upon his understanding of the document what actions
23 he will or will not take.

24 MR. SUGARMAN: Oh, I'm sorry. Okay.

25 BY MR. SUGARMAN:

1 Q. Go ahead.

2 A. That actions that I will or won't take are
3 undecided at this point because I firmly -- I am a
4 believer that when the evidence is presented here and
5 throughout the testimony that is going to be given that
6 we are going to be able to convince this Court that
7 without a doubt this is a serious, serious situation and
8 an extremely dangerous situation that we are going to be
9 forced to live under. And I believe that the Courts are
10 going to overturn this line and tear it down.

11 MR. BONNEY: Your Honor, I think his testimony as
12 he just stated goes to the merits of this report, as I
13 understood it, which is something that you have
14 instructed him not to introduce testimony on.

15 JUDGE SMOLEN: Well, he has finished his statement.
16 Let's go ahead with the next question.

17 MR. SUGARMAN: That is all I have, Your Honor.

18 JUDGE SMOLEN: Cross-examination.

19 MR. BONNEY: May I have just a minute, Your Honor?

20 JUDGE SMOLEN: Yes.

21 MR. BONNEY: Thank you.

22 (Pause.)

23 MR. BONNEY: I am prepared to proceed.

24 JUDGE SMOLEN: The witness has requested that he
25 consult with his Counsel.

1 MR. BONNEY: I have no objection, Your Honor.

2 JUDGE SMOLEN: All right. Go ahead.

3 MR. SUGARMAN: Thank you.

4 (Pause.)

5 MR. SUGARMAN: There is one document I didn't
6 specifically ask the witness to identify.

7 JUDGE SMOLEN: All right, go ahead. You may
8 proceed.

9 MR. SUGARMAN: Thank you.

10 BY MR. SUGARMAN:

11 Q. Mr. Koerper, you mentioned that you had
12 information from PECO. Did you have any information from
13 PECO in writing?

14 A. Yes.

15 Q. Would you identify that writing?

16 A. I have a news article from a magazine called
17 "Current" News dated March-April, 1991.

18 Q. Is it written by or does it quote PECO
19 representatives?

20 A. It does quote them, but it does not really
21 indicate who it is written by. It is an article that
22 there are a lot of quotations.

23 Q. Which PECO's representatives does it quote?

24 A. A Charles Boeggeman.

25 Q. Is that the Charles Boeggeman that testified

1 here?

2 A. That's correct.

3 MR. BONNEY: Your Honor, I would ask, first of all,
4 that we be permitted to see a copy of the article to
5 which he is refering.

6 MR. SUGARMAN: Sure.

7 MR. BONNEY: And I have the same objections, that I
8 state before, among others that we asked for a production
9 of documents that are going to be introduced at the
10 hearing today and received none.

11 JUDGE SMOLEN: Maybe Mr. Sugarman wants to respond
12 to that.

13 MR. SUGARMAN: I can respond that I am not sure
14 what request Mr. Bonney is referring to. I don't --

15 MR. BONNEY: I can refer to the specific request.

16 JUDGE SMOLEN: Let him finish first.

17 MR. SUGARMAN: My recollection is that Mr. Bonney
18 and I had a couple of conversations about this and I am
19 going to say I did not understand from those
20 conversations that he felt he had a right to those
21 documents, that he wanted them but he did not have a
22 right to those documents as related to the resident
23 witnesses.

24 Isn't that correct?

25 MR. BONNEY: That is not correct, Your Honor.

1 JUDGE SMOLEN: All right. Go ahead.

2 MR. BONNEY: In numbered interrogatories and
3 requests for production of documents to Intervenor, Set
4 I, dated June 5, 1991, No. 7 asked, "Please provide a
5 copy of every document and describe every tangible item
6 that the Intervenor's intend to offer into evidence in
7 this proceeding."

8 There has been no objection to that interrogatory,
9 nor has there been a response to that interrogatory. I
10 presumed there would be no documents, not having received
11 a response.

12 MR. SUGARMAN: Mr. Bonney and I did have a
13 conversations about the documents of the Protestants and
14 he did ask me for them on the telephone. So I understood
15 that he would like to have them and I knew that I could
16 accommodate him in that regard I would attempt to do so.
17 "But I did not understand that it was required.

18 I have no objection to bringing a witness back if
19 necessary to deal with any need for Mr. Bonney to prepare
20 cross-examination.

21 JUDGE SMOLEN: Let me ask this: are there any
22 further documents which you intend to introduce at this
23 morning's hearing? Further exhibits or documents? So
24 that they might be supplied at this particular time?

25 MR. SUGARMAN: There are none that I am aware of at

1 this moment. If I could just have a minute I could
2 doublecheck that.

3 JUDGE SMOLEN: Yes.

4 (Pause.)

5 MR. SUGARMAN: There are a bunch of petitions, Your
6 Honor, which I was going to tender at the appropriate
7 time and there are a few documents which the people
8 have.

9 JUDGE SMOLEN: Do we want to go off the record for
10 a moment?

11 (Discussion off the record.)

12 JUDGE SMOLEN: Back on the record.

13 I just want to comment for the record that all
14 Counsel here understand that hearings are generally based
15 on the principle of fair play and that is why I have
16 ruled the way that I have with respect to various
17 objections. And, again, all Counsel know well that
18 scientific evidence is to be established through
19 scientific testimony subject to cross-examination.

20 I understand, Mr. Sugarman, that the witnesses have
21 done a lot of reading, apparently believe what they have
22 read and are upset or intend to take action based upon
23 their reading. But to offer what they have read as proof
24 of the factuality or the truth of what is contained in
25 the report -- I see you are shaking your head in the

1 negative. That is not your intention?

2 MR. SUGARMAN: Exactly.

3 JUDGE SMOLEN: That is clear now on the record
4 again.

5 So let's proceed with the next question.

6 MR. SUGARMAN: Thank you, Your Honor.

7 BY MR. SUGARMAN:

8 Q. Would you describe, Mr. Koerper, what you read
9 attributed to the PECO representatives?

10 A. The question is -- it is simply an article that
11 I would like to read verbatim because this is what I am
12 basing my fears and apprehensions on, for not only myself
13 but for my family.

14 JUDGE SMOLEN: And by reading it verbatim, you want
15 us -- us, meaning the Commission -- to take the facts
16 that you are going to read as being correct, isn't that
17 so? Yet the person who authored that is not here subject
18 to cross-examination and questioning by Counsel.

19 THE WITNESS: It is not authored. There is no
20 author listed.

21 JUDGE SMOLEN: Well, that is even more serious. So
22 we don't know who wrote it.

23 MR. SUGARMAN: His Honor means the person to whom
24 the comments were attributed when he says the author. He
25 means the author of the comments.

1 JUDGE SMOLEN: Right.

2 BY MR. SUGARMAN:

3 Q. The question His Honor is asking you is are
4 you asking the Commission...

5 MR. SUGARMAN: I would like to answer that on
6 behalf of the witness, Your Honor, because I am making
7 the proffer.

8 JUDGE SMOLEN: I want the witness and the folks in
9 the room to understand that the Administrative Law Judge
10 and the Commission understand that the concerns of the
11 public are real and they are not made up, they are not --
12 you have a true concern for yourself and your family.
13 That is why you are here. That is why you have retained
14 Counsel. The Commission and the Administrative Law Judge
15 understand that.

16 But the Commission is bound by certain rules. The
17 Administrative Law Judge is bound by rules of evidence,
18 even though liberally interpreted. And in order to
19 establish a case we have to follow the rules.

20 MR. SUGARMAN: Your Honor, I would like to allay
21 your concerns in that regard. As Counsel I am not
22 offering this and the witness is not offering this as
23 proof that E/MF causes health problems. What the proffer
24 here is in terms of the effect of the line on my clients
25 is that it is so universally stated today that there is a

1 risk that the energization of the line will lead to land
2 use changes and to environmental effects which are
3 specifically identified in the regulations, because
4 people will start to get out of the way of this thing.
5 And the specific evidence that is being offered right now
6 through this article that is attributed to these PECO
7 representatives, including the one who testified here, is
8 that they are getting this information from PECO itself.

9 JUDGE SMOLEN: Let's hear the information that they
10 are getting from PECO.

11 A. I am not going to read the entire article, but
12 the paragraph is the final section. It is authored or
13 indicated as "prudent avoidance", which is what we are
14 being told by the utility to practice. "The future of
15 the E/MF issue will likely revolve around the emergency
16 (sic) philosophy called prudent avoidance, according to
17 Boeggeman. This philosophy it was first applied to E/MF
18 by Dr. Granger Morgan at Carnegie Mellon University after
19 he prepared a comprehensive report for the U.S.
20 Congressional Office of Technology Assessment.

21 " 'The philosophy simply says,' " in quotes, " 'to
22 avoid any unnecessary exposures,' said Boeggeman.
23 'However, it also says there is no justification to spend
24 large sums of money to reduce exposure below those
25 already present and implicitly accepted in our society.'

1 "He added that the phrase 'prudent avoidance'," in
2 quotes, "is open to wide interpretation and has left
3 engineers and lawyers alike trying to figure out what it
4 means.

5 " 'The potential cost impact on PE (and other
6 electric utilities) is significant if stringent exposure
7 standards are enacted in Pennsylvania or Maryland,' said
8 Boeggeman. 'The only proven way to lower the fields
9 significantly in transmission lines is to cluster any
10 (sic) conductors and bury them. This type of
11 construction is estimated to be four to six times as
12 expensive as standard overhead construction. The cost of
13 retrofitting existing transmission and distribution
14 facilities is difficult estimate but could easily run
15 into the hundreds of millions of dollars.'

16 "Boeggeman and Johnson agree that the E/MF issue
17 "Will grow in the future; and may well become one of the
18 most important environmental issues of the 1990s. 'It
19 will require our constant attention to manage the impact
20 of it on our day-to-day operations and engineering
21 practices,' said Johnson. 'If we do not, it has the
22 potential to develop into another PCB or asbestos
23 dilemma. Thus nor our society as a whole has not been
24 stampeded into irrational fear. We just ensure this
25 doesn't happen by pursuing quality research and

1 continuing to communicate openly and sincerely with our
2 customers, employees and the public.' "

3 JUDGE SMOLEN: You have now stated that for the
4 record.

5 Next question.

6 MR. SUGARMAN: No further questions, Your Honor.

7 JUDGE SMOLEN: Cross-examination.

8 MR. BONNEY: Thank you, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. BONNEY:

11 Q. Mr. Koerper, in the document you were just
12 reading, at the top of the second column on the second
13 page, paragraph beginning "Johnson said", do you see
14 that?

15 A. Uh-huh.

16 Q. Is it true that it says, "Johnson said that at
17 the present time the mitigation research being conducted
18 is exploratory," quote, " 'because we don't know if a
19 health problem really exists"?

20 A. That is what it says.

21 Q. Thank you.

22 Would you please define for me your understanding
23 of what prudent avoidance is?

24 A. My understanding of prudent avoidance is to
25 reduce the electro-magnetic fields that we come into

1 contact with in our daily lives because of the implied
2 implications that they may cause.

3 Q. Is there any cost restraint on the steps that
4 should be taken to reduce fields in your definition or
5 not?

6 A. Well, it always seems that everything comes
7 down to dollars and cents. What is the price to pay to
8 keep one child or one person from contracting a rare
9 disease such as leukemia or a rare cancer. When you ask
10 should we have cost restraints, it has been indicated as
11 a societal problem so society sometimes has to dig a
12 little deeper to pay, if need be, in this situation, if
13 this line is absolutely necessary, to bury it. If this
14 is the corridor it has to take, let's bury it and shield
15 the E/MFs.

16 Q. Is it your understanding that if the line is
17 buried no E/MFs will be --

18 A. No, it is not.

19 Q. You testified, I believe, that the right-of-way
20 is not sufficient, is that correct? Do you recall that?

21 A. That is my belief. Yes. Absolutely.

22 Q. I take it that you are not an electrical
23 engineer?

24 A. I am not.

25 Q. You have never designed a transmission line?

1 A. Absolutely not.

2 MR. BONNEY: Those are all the questions I have,
3 Your Honor.

4 JUDGE SMOLEN: Ms. Khanwalkar.

5 MS. KHANWALKAR: No questions, Your Honor.

6 JUDGE SMOLEN: Ms. McCloskey.

7 MS. MCCLOSKEY: No questions, Your Honor.

8 JUDGE SMOLEN: I'm sorry. Ms. Burket.

9 MS. BURKET: No questions.

10 JUDGE SMOLEN: Mr. Sugarman.

11 MR. SUGARMAN: No redirect, Your Honor.

12 JUDGE SMOLEN: The witness is excused. Thank you
13 very much for appearing and testifying --

14 MR. SUGARMAN: I'm sorry. I do have one question,
15 Your Honor.

16 JUDGE SMOLEN: Go ahead.

17 REDIRECT EXAMINATION

18 BY MR. SUGARMAN:

19 Q. Mr. Bonney asked you how much money you think
20 prudent avoidance entails. Assuming that you want to
21 practice prudent avoidance by eliminating the additional
22 E/MF that would result from the line how much would it
23 cost you to practice that prudent avoidance?

24 MR. BONNEY: Your Honor, if I may interrupt, I
25 think he testified that his definition was to reduce

1 fields, not to eliminate fields.

2 MR. SUGARMAN: He said we should reduce the fields
3 that we experience in our daily lives. That is not --

4 MR. BONNEY: And you just asked how much he would
5 spend to eliminate the fields.

6 MR. SUGARMAN: Not to eliminate the fields, no. To
7 prevent the dramatic increase that would result from the
8 energization of this line.

9 JUDGE SMOLEN: Aren't you taking the cart before
10 the horse? What would he do?

11 MR. SUGARMAN: Okay.

12 BY MR. SUGARMAN:

13 Q. What would you do by way of prudent avoidance
14 to avoid the dramatic increase in E/MFs that would accrue
15 because of the energization of the line?

16 MR. BONNEY: Your Honor, I don't think there has
17 been any testimony that there would be a dramatic
18 increase in E/MFs.

19 MR. SUGARMAN: I will strike the word dramatic.

20 BY MR. SUGARMAN:

21 Q. Would you do to avoid the increase in E/MF that
22 would result from the energization of the line? What
23 prudent avoidance could you practice?

24 A. I don't have a choice but to move.

25 Q. And how much would that cost you?

1 Bucks County.

2 JUDGE SMOLEN: Welcome to the Public Utility
3 Commission.

4 Mr. Sugarman.

5 DIRECT EXAMINATION

6 BY MR. SUGARMAN:

7 Q. Mrs. Lawler, would you describe where your
8 residence is in relationship to Mr. Koerper's? I don't
9 mean -- I mean, is it a mile or two miles to the east?
10 Just in very general terms so the Commission can get an
11 idea.

12 JUDGE SMOLEN: Perhaps it would be better to define
13 where it is in relationship to the line.

14 MR. SUGARMAN: I was going to do that next. I was
15 trying to establish the geographical vicinity that she
16 lives in.

17 A. Approximately a mile-and-a-half farther north
18 along the line.

19 BY MR. SUGARMAN:

20 Q. Would you describe the relationship between, as
21 His Honor suggested, between the line and your property?

22 A. My property sits adjacent to the line. The
23 side of my house is along the railroad tracks. The edge
24 of the property is 70 feet from where the powerline pole
25 is being placed at this point and the side of my house is

1 20 feet farther than that, which makes it 90 feet from
2 where the powerline will be situated.

3 Q. And as I understand it, the powerline would be
4 or is on the side of your house?

5 A. Yes.

6 Q. So your side yard is between your house and the
7 property line?

8 A. Correct.

9 Q. How do you use your side yard at this time?

10 A. At this point the children play out back. We
11 have a porch out back where we eat meals in the summer.
12 The dog is outside all the time.

13 Q. You say you have children?

14 A. Yes.

15 Q. Would you identify the ages on sex of your
16 children?

17 A. My son is 21, my daughter is 17 and I have a 13
18 year old daughter.

19 Q. What kinds of activities do the children engage
20 in in the back yard?

21 A. My son goes outside with his guitar group and
22 plays on the back porch. My daughter sunbathes and plays
23 outside with her friends. And my daughter just uses it.

24 We also, to add to that, we are on a cul-de-sac so
25 we have a basketball net which we've put out front and my

1 children and half the other neighborhood children play
2 out front.

3 Q. Let's identify the geographical relationship
4 between the cul-de-sac and the powerline. Is the
5 cul-de-sac in front of your house or to the side of your
6 house?

7 A. It is in front of my house, in front and to the
8 side.

9 Q. In front and to the side. So in essence, does
10 your house face the street coming down the cul-de-sac?

11 A. Yes.

12 Q. So the powerline is to the side of the
13 cul-de-sac?

14 A. Yes.

15 Q. How far is it from the pavement of the
16 cul-de-sac to the powerline?

17 A. No more than the 90 feet from our house.

18 Q. What activities take place in the cul-de-sac?

19 A. We have a basketball net out front that our
20 children and half the neighborhood children come and use.
21 They also play softball. They ride bikes. A lot of
22 street sports that the kids play.

23 Q. What would be the effect on your use of your
24 property including the cul-de-sac, if you would describe
25 it in some detail, if the powerline is energized as

1 proposed?

2 MR. BONNEY: Your Honor, I object again. That
3 calls for speculation.

4 JUDGE SMOLEN: If it calls for speculation, then I
5 didn't understand the question.

6 Do you want to repeat the question?

7 MR. BONNEY: I may not have either. I'm sorry.

8 BY MR. SUGARMAN:

9 Q. What effect will it have on your use of your
10 property if the powerline is energized?

11 MR. BONNEY: The line has not yet been energized.
12 For her to speculate --

13 MR. SUGARMAN: I will rephrase it.

14 JUDGE SMOLEN: He is going to rephrase it.

15 BY MR. SUGARMAN:

16 Q. How will you change the use of our property if
17 the powerline is energized?

18 A. If it is energized we have chosen to move. And
19 at this point, because of the potential of the powerline
20 being energized, our house is presently up for sale.

21 Q. Have you had any buyers?

22 A. No.

23 Q. How long has the property been listed?

24 A. For almost about three-and-a-half months.

25 Q. Have you had any experience in terms of trying

1 to sell the property related to the powerline?

2 A. People have come through. They are aware --
3 when they become aware the powerline is potentially
4 going to be there, they are no longer interested.

5 MR. BONNEY: Your Honor, I object again to this
6 line.

7 JUDGE SMOLEN: We are getting on the field of --

8 MR. BONNEY: Decrease in property values.

9 MR. SUGARMAN: Your Honor, you say decrease in
10 property values as if it is a talisman. It's effect on
11 land use. And first of all, I don't agree that property
12 values in the broadest sense of the word are immaterial
13 to this proceeding. Again, the Commission's decision was
14 that it doesn't have jurisdiction to determine damages.

15 JUDGE SMOLEN: We don't have a question in front of
16 the witness. Mr. Bonney made a statement that we are
17 getting into the area of property value. Let's get into
18 the questioning.

19 MR. SUGARMAN: Let me go back to where I left off.

20 BY MR. SUGARMAN:

21 Q. Now, the Commission is not going to determine
22 property values so I am not asking this question to
23 enable the Commission to determine damages to you. But I
24 am asking did you -- in listing your house for sale, did
25 you adjust the price that you could have otherwise asked

1 because of the powerline?

2 MR. BONNEY: Objection, Your Honor.

3 JUDGE SMOLEN: That is really on devaluation of
4 property.

5 MR. SUGARMAN: Your Honor, devaluation is extremely
6 material to this proceeding in terms of the effect of the
7 line on land use, which is called for in the regulations.

8 JUDGE SMOLEN: It may be effective or it may be
9 important in a case where there might be some allegation
10 of a de facto taking rather a de jure taking. But
11 clearly we don't have any jurisdiction on de facto
12 takings, alleged de facto takings or things of that
13 nature.

14 MR. SUGARMAN: My point is that the area will
15 become -- that the area will deteriorate in terms of the
16 quality of the environment and the quality of the land
17 use. And the value and the prices are material to that
18 only to the extent that they determine what is a good
19 neighborhood and what isn't a good neighborhood.

20 JUDGE SMOLEN: Well, good is a very broad word. I
21 don't know what you mean by good in this sense.

22 MR. SUGARMAN: We will have testimony -- not to
23 anticipate our discussion that we may want to have later
24 on today -- we will have written prepared testimony,
25 expert testimony, as to the adverse effect on land use

1 that will accrue. The deterioration in values and the
2 inability to sell properties is corroboration of the
3 effect on land use. When you have a property that is
4 contaminated in the market by its proximity to adverse --

5 MR. BONNEY: Your Honor, he is testifying.

6 JUDGE SMOLEN: You are testifying now.

7 MR. SUGARMAN: I am only explaining, defending the
8 relevance of this testimony.

9 JUDGE SMOLEN: I understand what you are driving
10 at. We don't want testimony of Counsel. We want
11 testimony of experts in expert fields and we want the
12 testimony of those residents as to how they perceive they
13 are going to be affected by this line.

14 MR. SUGARMAN: Exactly.

15 JUDGE SMOLEN: The witness has testified that she
16 has reduced the price of the house, is that correct?

17 MR. SUGARMAN: That's right.

18 JUDGE SMOLEN: What is the next question?

19 BY MR. SUGARMAN:

20 Q. Will that affect your ability to relocate?

21 MS. McCLOSKEY: Excuse me, Your Honor. I think
22 that was the question, did she chose to reduce the price,
23 that he objected to. I'm not sure the answer was --

24 JUDGE SMOLEN: I am going to permit the question.

25 MS. McCLOSKEY: Okay.

1 A. The question is did I reduce the price?

2 BY MR. SUGARMAN:

3 Q. Right.

4 A. Very honestly at this point, no we haven't.

5 JUDGE SMOLEN: Next question -- I'm sorry. Do you
6 want to conclude?

7 THE WITNESS: No.

8 JUDGE SMOLEN: Next question.

9 BY MR. SUGARMAN:

10 Q. If you have to reduce the price in order to
11 sell it, what effect will that have on you?

12 A. It will not give us enough --

13 MR. BONNEY: Your Honor, again, it is speculation.

14 JUDGE SMOLEN: They will have less money.

15 MR. SUGARMAN: What effect will that have on her
16 health, safety and environment?

17 A. I expect somewhere along the line --

18 MR. BONNEY: Your Honor.

19 JUDGE SMOLEN: Just a moment, Ma'am.

20 MR. BONNEY: She testified that she has not reduced
21 the value of the house.

22 JUDGE SMOLEN: We're getting into speculation.

23 MR. SUGARMAN: Not the value, the price.

24 MR. BONNEY: The price.

25 JUDGE SMOLEN: The price. We are getting into a

1 lot of speculation now. Let's try to avoid that. We
2 want the witnesses to be able to testify as to what they
3 want to say.

4 Go ahead.

5 BY MR. SUGARMAN:

6 Q. If you are not able to sell your house -- as
7 you have not been until now, so it is not speculation --
8 until the time you are able to sell your house how will
9 it affect your -- how will the line effect you? What
10 will you do by way of prudent avoidance, if anything?

11 A. We will chose to spend less time in -- when the
12 line is energized, if we are not able to sell the house,
13 we will have to stay there temporarily and we will try to
14 spend as little time as we can outside or even in the
15 area because they are showing that fields are not --
16 still go through walls. So it is going to get into the
17 house also. We are going to have to visit with people,
18 not spend a lot of time in our own house.

19 Q. Have you formulated in your own mind an
20 understanding as to whether prudent avoidance is
21 necessary or appropriate for you?

22 A. Yes.

23 Q. And on what basis did you do that?

24 A. Based on much of the reading and the literature
25 that I have read and we have talked about through the

1 PAUSE organization and through many of the women's
2 magazines. There is something in almost every women's
3 magazine every month nowadays talking about
4 electro-magnetic fields. And I feel it is essential that
5 we be prudently avoidant of these and I have changed some
6 of my lifestyle because of it.

7 Q. Are you used to seeing health conditions both
8 real and imagined?

9 A. Yes.

10 Q. For what reason?

11 A. I am a registered nurse. I work in the
12 recovery room and in intensive care. I see many patients
13 with different kinds of cancers, some with brain tumors,
14 leukemias, and I can see what it does to the patient and
15 to their family and I do not want to be put in that
16 situation.

17 MR. SUGARMAN: Thank you. I have no further
18 questions.

19 JUDGE SMOLEN: Mr. Bonney.

20 MR. BONNEY: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. BONNEY:

23 Q. Mrs. Lawler, when did you buy your home?

24 A. Approximately nine years ago.

25 Q. I take it you and your family still use

1 electricity and electrical appliances in your home?

2 A. Yes, we do.

3 Q. Can we agree that it takes lines like these to
4 bring to you the electricity that you use yourself?

5 A. Yes.

6 Q. And can we also agree that those lines have to
7 be located someplace?

8 A. That's correct.

9 Q. As I understand it, then, you are not
10 suggesting that you in particular, or for that matter any
11 of the company's customers, give up the use of
12 electricity?

13 A. No.

14 MR. SUGARMAN: Your Honor, that goes beyond the
15 scope of direct examination. The question here is
16 prudent avoidance and the effect of this line on the
17 witness. We stipulated that the witnesses are not expert
18 and therefore to ask them to plan an alternate program
19 for Philadelphia Electric Company is purely rhetorical
20 questioning.

21 JUDGE SMOLEN: I don't think she was asked to plan
22 an alternate --

23 MR. BONNEY: I will withdraw the question, Your
24 Honor.

25 JUDGE SMOLEN: The question is withdrawn; nothing

1 for me to rule upon.

2 Next question.

3 MR. BONNEY: That is all I have, Your Honor.

4 CROSS-EXAMINATION

5 BY MS. KHANWALKAR:

6 Q. I just wanted to ask what are you doing right
7 now in terms of prudent avoidance inside your home?

8 A. I have an electric blanket which I have stopped
9 using in the last two years at least since I became aware
10 of this. When we use any electrical appliances I make
11 sure I stand away from them when they are in use. And we
12 make sure we are not in front of -- you know, sit far
13 away back from the television and the VCRs and whatever.

14 Q. For example, when you are cooking you try not
15 to be next to the stove? You try to cook far away?

16 JUDGE SMOLEN: Do you have gas or electric?

17 THE WITNESS: I have an electric stove. It came
18 with the house.

19 I do. I stay as far as back as possible.

20 MS. KHANWALKAR: I have nothing further.

21 JUDGE SMOLEN: Ms. Burket.

22 CROSS-EXAMINATION

23 BY MS. BURKET:

24 Q. I am a little confused about what you said
25 about your side yard. I believe you said that the side

1 yard was so many feet from the electric transmission
2 line. But then you described activities in back of the
3 house, in your back yard. Is it just the side or back
4 yard?

5 A. It is the side and the back yard.

6 Q. So a back yard, activities in the back yard,
7 included the side yard also?

8 A. Correct.

9 MS. BURKET: I have nothing further.

10 JUDGE SMOLEN: Ms. McCloskey.

11 MS. MCCLOSKEY: I have no questions, Your Honor.

12 JUDGE SMOLEN: Redirect examination?

13 MR. SUGARMAN: Just to follow up on Ms. Burket's
14 question.

15 REDIRECT EXAMINATION

16 BY MR. SUGARMAN:

17 Q. Do you have any idea how to define a safe line
18 in terms of your back yard from one side to the other,
19 where it would be safe to play and where it wouldn't?

20 A. No.

21 MR. SUGARMAN: Nothing further.

22 JUDGE SMOLEN: Anything further of the witness?

23 (No audible response.)

24 JUDGE SMOLEN: Thank you for appearing and
25 testifying today.

1 (Witness excused.)

2 MR. SUGARMAN: I would like to call Mr. Henry.

3 Whereupon,

4 GEORGE L. HENRY

5 having been duly sworn, testified as follows:

6 JUDGE SMOLEN: State your full name and your home
7 address.

8 THE WITNESS: George L. Henry, 508 Militia Hill
9 Road, Southampton.

10 DIRECT EXAMINATION

11 BY MR. SUGARMAN:

12 Q. Mr. Henry, would you describe where you live in
13 reference to Mr. Koerper or Mrs. Lawler?

14 A. From Mr. Koerper, approximately two miles to
15 the east.

16 Q. Thank you very much.

17 Mr. Henry, where is your property located in
18 relationship to the transmission line of Philadelphia
19 Electric Company?

20 A. The transmission line is behind my house.

21 Q. And how far is it from your property line to
22 the poles of the transmission line?

23 A. Approximately 105 feet.

24 Q. And how far is it from your house to the poles
25 of the transmission line?

1 A. An additional about 60 feet.

2 Q. Could you describe to the Commission, first of
3 all, what does your family consist of?

4 A. I have a daughter five years old.

5 Q. And would you describe to the Commission what
6 is the use of your back yard?

7 A. My back yard has a swimming pool, a swing set
8 and I am currently building a workshop, combination
9 workshop-garage in my back yard.

10 Q. Are the swimming pool and swing set located in
11 the back yard?

12 A. Yes, they are.

13 Q. Could you describe the nature and extent of the
14 use of your back yard?

15 A. I spend most of my time in the back yard. I am
16 currently building my garage and that is my hobby room
17 and I will be spending a lot of time in there. My
18 daughter uses her swing set, which is close to the
19 property line, and of course, in the summer we use our
20 pool. We spend a lot of time in our back yard.

21 Q. Does your daughter habitually or frequently
22 have occasion to be playing closer to the powerline --

23 MR. BONNEY: Your Honor, that is a leading
24 question. He is testifying for the witness, Your Honor.

25 MR. SUGARMAN: I beg your pardon?

1 JUDGE SMOLEN: The objection to that is that the
2 question is leading.

3 BY MR. SUGARMAN:

4 Q. Will you describe your daughter's play habits
5 related to the proximity to the transmission line?

6 A. Besides playing on her swing set in our back
7 yard she also plays in a neighbors back yard. She has a
8 friend two houses away.

9 Q. What is that friend's first name?

10 A. Ashley.

11 Q. How far is Ashley's back yard from the
12 powerline?

13 A. Thirty-six feet, six inches exactly.

14 Q. What would you do to practice -- what changes
15 in your use of your property and in your life habits
16 would you undertake if the line is energized?

17 A. If the line is energized I would not permit my
18 daughter to go to her friend's house. I would have my
19 back yard tested. I am not that close to the line but I
20 would have to have my back yard tested to see if there is
21 any effect in my back yard.

22 Q. And if there is an effect then what would you
23 do?

24 A. I don't know.

25 Q. Can you describe, would you be able to move?

1 MR. BONNEY: Your Honor, that is speculation. He
2 is asking him if something, then if something else, then
3 what would he do.

4 MR. SUGARMAN: Can PECO assure us there will never
5 be an effect?

6 JUDGE SMOLEN: Overruled. He can answer.

7 A. What was the question, please?

8 JUDGE SMOLEN: Mr. Sugarman, the witness does not
9 remember the question.

10 BY MR. SUGARMAN:

11 Q. If there is an effect then what will you do?

12 A. I do not know. I have all my money tied up in
13 this house. This is like my dream house. With
14 everything in this house and in the back yard, I don't
15 know what I would do.

16 MR. SUGARMAN: No further questions. Thank you
17 very much?

18 JUDGE SMOLEN: Mr. Bonney.

19 CROSS-EXAMINATION

20 BY MR. BONNEY:

21 Q. You testified that the neighbors yard is 36
22 feet, six inches from -- the edge of the property is 36
23 feet six inches from the line itself?

24 A. Yes, from standing under the wire itself.

25 Q. I take it you measured that, or somebody

1 measured that?

2 A. Yes, I did.

3 Q. You were asked a question if there is an effect
4 what would you do. What did you understand to mean by an
5 effect from the line?

6 A. I have seen all the television specials on
7 E/MFs and it is scaring me. I don't know if it is
8 prudent or not but I am very much scared of E/MFs.

9 Q. When did you buy your house?

10 A. Three years ago.

11 MR. BONNEY: That is all I have, Your Honor.

12 JUDGE SMOLEN: Ms. Khanwalkar.

13 CROSS-EXAMINATION

14 BY MS. KHANWALKAR:

15 Q. Have you had any readings taken at your home at
16 all?

17 A. Yes, I have.

18 Q. And you said that you would have measurements
19 taken again if the line is energized?

20 A. If the line is energized, yes.

21 Q. Just to follow up on Mr. Bonney's question to
22 you, what would you consider to be an effect? You said
23 that you would have measurements taken and if there is an
24 effect you would have to decide --

25 A. My property line is more than -- approximately

1 105 feet. Now, I am hoping that this is enough distance
2 so that it will not affect my back yard.

3 Q. What do you mean by affect? That is what I am
4 trying to understand.

5 A. Okay. If the range of the E/MFs will not reach
6 my back yard.

7 Q. Well, there are measurable E/MFs at your home
8 already?

9 A. From the television, microwave. In fact, in my
10 bathroom there was one fluorescent light that had E/MFs.
11 But I believe, as it was explained to me by the person
12 who was testing it, that it is not an extremely dangerous
13 level, that if you avoid it you are okay. And I plan to
14 replace that fluorescent light and now I stay away from
15 the microwave when it is on and I stay away from the
16 television.

17 Q. So any measurable E/MF would be an effect in
18 your opinion? Is that what you are saying? Once the
19 line is energized if you measure any E/MF at all at a
20 detectable level?

21 A. When that occurs I will have to do additional
22 readings to see how dangerous the amount of E/MFs are to
23 my house or whatever.

24 Q. So you have not formed an opinion at what level
25 you would need to take any further action?

1 A. No.

2 MS. KHANWALKAR: Thank you.

3 MS. BURKET: I have no questions, Your Honor.

4 JUDGE SMOLEN: Ms. McCloskey.

5 MS. McCLOSKEY: I have no questions, Your Honor.

6 JUDGE SMOLEN: Mr. Sugarman.

7 MR. SUGARMAN: Nothing.

8 JUDGE SMOLEN: The witness is excused. Thank you,
9 sir, for appearing and testifying.

10 (Witness excused.)

11 JUDGE SMOLEN: Next witness.

12 MR. SUGARMAN: Mrs. Dalrymple.

13 Whereupon,

14 KAREN DALRYMPLE

15 having been duly sworn, testified as follows:

16 JUDGE SMOLEN: State your full name and home
17 address.

18 THE WITNESS: Karen Dalrymple, D-a-l-r-y-m-p-l-e,
19 583 Valley View Road, Langhorne, Pennsylvania, which is
20 in Middletown, Bucks County.

21 DIRECT EXAMINATION

22 BY MR. SUGARMAN:

23 Q. Mrs. Dalrymple, just so we can place you in
24 this overall geographical context, how far are you from
25 Mr. Koerper's property?

1 A. I don't know.

2 Q. Can you give us, then, an indication of where
3 you are as between the western and eastern ends of the
4 transmission line?

5 A. We are towards the end of the eastern end, I
6 think.

7 Q. Towards the eastern end of the transmission
8 line?

9 A. Yes.

10 Q. And you live in Langhorne Borough or in
11 Middletown Township?

12 A. Middletown Township.

13 Q. And can you describe to the Commission where
14 your property is in relationship to the transmission
15 line, first of all, the distance from your property line
16 to the transmission line?

17 A. May I just say, Your Honor, it was difficult to
18 measure ours because from the back of our property where
19 it ends there is a railroad line and then it goes down.
20 So we did the best we could. And from the back of the
21 house to the transmission line was approximately 250 to
22 300, somewhere in that area.

23 JUDGE SMOLEN: Feet?

24 BY MR. SUGARMAN:

25 Q. From the house to the line?

1 A. From the house to the line.

2 JUDGE SMOLEN: You are talking about feet?

3 THE WITNESS: Feet.

4 BY MR. SUGARMAN:

5 Q. How far is that from your nearest property line
6 to the transmission line?

7 A. About 150 feet.

8 Q. Does your property abut the line?

9 A. Yes.

10 Q. To the rear or the side?

11 A. Rear.

12 Q. So the length of your back yard is abutting the
13 length of the transmission line?

14 A. Yes.

15 Q. Approximately how wide is your back yard?

16 A. I think we are 206 feet.

17 Q. And could you describe to the Commission how
18 you utilize your back yard at this time?

19 A. In the summer we have a swimming pool. I
20 brought a picture, Your Honor, to show you.

21 Q. I am going to get it. Can I have that
22 photograph?

23 A. Our houses are built --

24 Q. You may go ahead.

25 JUDGE SMOLEN: Go ahead.

1 A. -- on a hill. So where some people's pool may
2 be right off a patio or whatever, we have to go down a
3 hill. Our pool is down at the bottom of our yard, close
4 to our property line. And just behind the pool we had a
5 clubhouse built for my son, which is right at the
6 property line. So he has all of his activities and his
7 friends, they go down there. That is where they listen
8 to their radio or just hang out down there. They sleep
9 out overnight in there.

10 BY MR. SUGARMAN:

11 Q. Is this photograph a view of from the back of
12 your house down towards the pool?

13 A. Yes.

14 Q. With the transmission line behind it? Is that
15 the transmission line at the top of the photograph?

16 A. That is the first set of railroad tracks
17 showing, and the transmission line is about 50 feet
18 further behind that.

19 Q. Is that the clubhouse there off to the right?

20 A. No. That is an old picture. It is right
21 behind that existing building, right next to the fence.

22 MR. SUGARMAN: Can we mark this photograph as
23 Protestant's 3, Your Honor?

24 JUDGE SMOLEN: Protestant's 3. You will supply
25 copies?

1 MR. SUGARMAN: Yes, I will.

2 JUDGE SMOLEN: Have the reporter mark it P-3.

3 (Whereupon, the photograph was marked
4 as Protestant's Exhibit No. 3
for identification.)

5 BY MR. SUGARMAN:

6 Q. Now, you mentioned your son. Can you tell the
7 Commission what your family consists of, what people?

8 A. My husband, myself and my my son and our dog.

9 Q. How old is your son?

10 A. Fifteen.

11 Q. I think you described the use that you make of
12 your back yard at the present time. What would be the
13 action that you will take if the line is energized and
14 why?

15 A. I never finished, actually, the uses of our
16 back yard. We also have a hammock out there between the
17 trees where we go out and lay. We play croquet out
18 there, we play volleyball out there. Everything is done
19 in our back yard except for the basketball court, which
20 is out front.

21 And also we have about five years ago we have an
22 enclosed porch in the back. We really spend a lot of
23 time in the back of the house.

24 Q. Have you taken any action to this time as a
25 result of the transmission line proposal?

1 A. I am not sure if I am going to answer the
2 question right --

3 Q. Have you taken any action with respect to your
4 property?

5 A. No.

6 Q. Are you familiar with the situation of your
7 neighbors with respect to their properties?

8 A. Yes. My next door neighbor had his house up
9 for sale for approximately three months and he was unable
10 to sell it and just decided to take it off the market
11 because he was getting remarried and they needed to make
12 a decision and they decided since they could not sell
13 they would sell hers and come live there until they saw
14 what was going to happen.

15 Q. Now, what would you do if the powerline is
16 energized and why?

17 A. Well, this is an effect on us. I don't know if
18 this is applicable to other people, but my husband and I
19 have been married for 23 years, we have lived there for
20 19. And we have, I think today, a rare, a real strong
21 marriage and this is one of the first times we have ever
22 really disagreed on something. I want to move. I don't
23 think there is any question about it. And my husband
24 feels very strongly he would like to move but we are the
25 type of people, we have lived there for 19 years and we

1 have worked on the house for 19 years. We have had five
2 different foyer floors. We are always doing something.
3 And he said after 19 years we just have the house where
4 we want it and, you know, I don't want to start over
5 again. And I am saying I don't care what shape the house
6 is in, our health is more important. And this has been
7 the strongest disagreement we have had in our 23 years of
8 marriage and it has been very upsetting.

9 Q. Now, are you familiar with the literature as it
10 describes the health risks associated with E/MF?

11 A. Yes, I am.

12 Q. And does that have any effect on you and if so
13 why?

14 A. After reading all the literature that is
15 available you can't help but be afraid.

16 Q. And do you have any particular background or
17 education or experience that causes you to be concerned?

18 A. Yes. I also am a nurse. I take care of cancer
19 patients daily and before this ever even came about I
20 used to say to my husband my greatest fear in life is not
21 of dying but of dying from cancer. I would be willing to
22 forego everything, if this goes through and I think there
23 is a risk I am going to be out of there.

24 MR. SUGARMAN: Thank you. I don't have any further
25 questions.

1 JUDGE SMOLEN: Mr. Bonney.

2 MR. BONNEY: Thank you, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. BONNEY:

5 Q. Good morning, Mrs. Dalrymple.

6 A. Good morning.

7 Q. I believe you testified that your property
8 abuts the line?

9 A. Yes.

10 Q. Am I correct that the Conrail property is in
11 between the PECO right-of-way and your property line?

12 A. I'm sorry. I meant there is no other property
13 between us. I'm sorry.

14 Q. Okay. That's fine.

15 Is it true that trains run along those lines?

16 There are actually two sets of tracks, as I understand
17 it.

18 A. Yes.

19 Q. And the tracks are separated by woods?

20 A. Yes.

21 Q. Am I correct that the tracks that you see in
22 this picture are not the tracks along which the company's
23 line is going to be built or has been built?

24 A. Correct.

25 Q. It is true you can't see the company's line

1 from this picture, can you?

2 A. Not from this picture.

3 (Pause.)

4 A. But you can see it from our house.

5 MR. BONNEY: That's all I have, Your Honor.

6 JUDGE SMOLEN: Questions?

7 MS. KHANWALKAR: I have none.

8 MS. BURKET: No questions, Your Honor.

9 MS. McCLOSKEY: No questions, Your Honor.

10 JUDGE SMOLEN: Mr. Sugarman.

11 REDIRECT EXAMINATION

12 BY MR. SUGARMAN:

13 Q. Mrs. Dalrymple, Mr. Bonney asked you about the
14 distance and whether the Conrail line is between your
15 property and the transmission line. Is there any
16 significance to your health that the Conrail line is
17 between your property line --

18 MR. BONNEY: Objection, Your Honor.

19 MR. SUGARMAN: I'm sorry. I will rephrase the
20 question.

21 BY MR. SUGARMAN:

22 Q. Is there any significance to your concern, does
23 it have any bearing on your concern about prudent
24 avoidance, that there is a Conrail rail line between you
25 and the transmission line? Does it help you in any way?

1 A. No.

2 Q. Do you have any idea from PECO as to how far
3 you have to be from the transmission line to be safe?

4 MR. BONNEY: Your Honor, that is beyond the scope
5 of my cross-examination.

6 MR. SUGARMAN: It is related to the issue of
7 distance.

8 JUDGE SMOLEN: With the loose interpretation of the
9 rules, I will permit the question.

10 BY MR. SUGARMAN:

11 Q. Do you have any idea from PECO how far you have
12 to be from the transmission line to be safe?

13 A. We have literature. I am not sure if it was
14 from PECO.

15 Q. And does it tell that you will be safe?

16 A. No.

17 MR. SUGARMAN: Thank you. No further questions.

18 JUDGE SMOLEN: Anything else of the witness?

19 MR. BONNEY: No, Your Honor.

20 JUDGE SMOLEN: The witness is excused. Thank you
21 very much for appearing and testifying.

22 (Witness excused.)

23 JUDGE SMOLEN: Let's take a five minute break for
24 the court reporter.

25 (Recess.)

1 JUDGE SMOLEN: Are we ready to proceed with the
2 next witness?

3 MR. SUGARMAN: Yes, sir

4 Mrs. Hall, please.

5 Whereupon,

6 PATRICIA KELLY HALL

7 having been duly sworn, testified as follows:

8 JUDGE SMOLEN: State your full name and home
9 address.

10 THE WITNESS: Patricia Kelly Hall, H-a-l-l, 641
11 Valley View Road, Langhorne.

12 DIRECT EXAMINATION

13 BY MR. SUGARMAN:

14 Q. Mrs. Hall, would you identify the approximate
15 location -- I take it you're a near neighbor of
16 Mrs. Dalrymple, is that correct?

17 A. Yes, I am.

18 Q. And can you just give us an overall
19 perspective? Can you tell us how far away you are from
20 the other witnesses, Mr. Koerper and Mrs. Lawler?

21 A. That I would not know.

22 Q. Several miles?

23 A. Yes.

24 Q. You are also towards the eastern end of the
25 line.

1 A. Yes.

2 Q. Mrs. Hall, what is the composition of your
3 particular family?

4 A. I have a husband and three children, two girls,
5 16 and 13 and a son 12.

6 Q. And is your house -- are you on the same side
7 of Valley View Road as Mrs. Dalrymple?

8 A. I am at a different angle. We runs parallel
9 with the line and I am at a different angle and up the
10 hill.

11 Q. So which part of your house is closest to the
12 line?

13 A. The side yard. But because we are on a hill
14 much of the children's time is spent playing at the
15 bottom on the street in front of Mrs. Dalrymple's house
16 because that is on a flat area, meaning if they are
17 playing ball or whatever they would not be on this hill
18 this we live on. So they are down at the bottom of the
19 street playing.

20 Q. This an area that is far behind your house, in
21 other words? Quite a few feet behind your house?

22 A. Yes, from the side of our house down the
23 street.

24 Q. Down from the side. Okay.

25 And that area, is that part of your property that

1 you're describing down the bottom of the hill on the side
2 of your house?

3 A. No.

4 Q. Whose property is that?

5 A. There is another neighbor between me and the
6 bottom of the street.

7 Q. And that neighbor has that property?

8 A. Yes.

9 Q. Does that neighbor have children also?

10 A. No.

11 Q. But your children are allowed to use that
12 property to play --

13 MR. BONNEY: Your Honor, he is leading the witness.

14 MR. SUGARMAN: I'm just trying to --

15 JUDGE SMOLEN: Well, can you rephrase, please?

16 A. I would say -- I don't know if I am explaining
17 this correctly but the street runs parallel with this
18 line and Mrs. Dalrymple's house is on this street down at
19 the bottom of the street. The street is where they play
20 a lot. Not necessarily in my exact neighbor's yard. It
21 would be down in the street, street hockey and riding
22 bicycles and she has a basketball court out front. As a
23 matter of fact, we spent a lot of time in their pool.

24 Q. And how far from the transmission line is that
25 property?

1 A. Her property?

2 Q. The property where the children play.

3 A. Whatever it was she stated. I wouldn't know it
4 exactly.

5 Q. And what action would you take by way of --
6 first of all, have you become aware of the transmission
7 line and do you have an understanding as to prudent
8 avoidance and whether you would utilize it and why?

9 A. I do have an understanding of it. I have read
10 a lot about it. I watched the Diane Allen special that
11 was on the news. And I practice prudent avoidance in my
12 house to the point where if I use a microwave I will
13 leave the room. I will not allow my children to be in
14 the kitchen while I am using it. I do a lot of preparing
15 of my dinner meals only in the oven so that everything is
16 in there and I don't have to stand there. I put it in
17 and leave. We will not use an electric blanket, which we
18 did own. I have moved all of our electric alarm clocks
19 away from the heads of everyone's bed.

20 Q. What will you do if the line is energized? How
21 will you change your lifestyle in pursuant of prudent
22 avoidance?

23 A. I won't allow my children to play down there
24 any longer. Mrs. Dalrymple is my best friend in the
25 neighborhood. I would not want to swim or visit down

1 there.

2 Q. What would you do with respect to your home?

3 A. I would like to have -- at that point I would
4 like to have the E/MFs measured so that I would know, you
5 know, what is the dosage that would be that far.

6 MR. SUGARMAN: Thank you, Mrs. Hall. That's all I
7 have. Thank you.

8 JUDGE SMOLEN: Cross-examination, Mr. Bonney.

9 MR. BONNEY: One moment, Your Honor.

10 JUDGE SMOLEN: All right.

11 (Pause.)

12 CROSS-EXAMINATION

13 BY MR. BONNEY:

14 Q. Good morning, Mrs. Hall.

15 A. Good morning.

16 Q. I'm just curious. Are you one of the named
17 Protestants in this matter?

18 A. A named Protestant?

19 Q. Yes.

20 A. I don't know. I am a member of PAUSE.

21 Q. I take it, then, you don't know whether your
22 name has been identified in any of the pleadings that
23 have been submitted?

24 A. No. I don't know.

25 Q. How long have you lived in your home?

1 THE WITNESS: My name is Barbara Glathorn,
2 G-l-a-t-h-o-r-n. I reside at 467 Militia Hill Road,
3 Upper Southampton.

4 JUDGE SMOLEN: Mr. Sugarman.

5 DIRECT EXAMINATION

6 BY MR. SUGARMAN:

7 Q. Mrs. Glathorn, would you describe to His Honor
8 ~~the approximate location that you live in in~~ relation to
9 Mr. Koerper or one of the other witnesses that you could
10 use as a point of departure?

11 A. I am approximately two miles east of
12 Mr. Koerper's house.

13 Q. And how long have you resided at that address?

14 A. Nineteen years.

15 Q. Could you describe your family composition?

16 A. My husband, Kennett, and my daughter Jennifer
17 is 17 years old.

18 Q. Can you describe the relationship in distance
19 from your home and from your property to the poles and/or
20 wires of the transmission line?

21 A. Our house faces a street at which across from
22 that street is another row of houses and right behind
23 that row of houses which face us is the line. It is
24 approximately 400 feet from the end of our property.

25 Q. And what use do you make of your property that

1 would be -- let me put it the other way. What would you
2 do by way of prudent avoidance in regard to the use of
3 your property if the line is energized and why?

4 A. We have decided we would spend a lot less time
5 outside, which would be hard for us because we enjoy the
6 property. We bought this house in the suburbs in this
7 location because of the beautiful woods and the great
8 amount of land that we had and use the outside a lot for
9 barbecuing and volleyball, my daughter sunbathes all the
10 time. She has friends over, we play croquet, badminton.

11 Q. What information have you received or obtained
12 through your own research which has led you to that
13 conclusion?

14 A. In all of the readings that I have done the
15 uncertainty of how much damage E/MFs have on human beings
16 is enough to make me want to sell my house at this point.

17 Q. Would you describe the research that you have
18 done in terms of the information you have obtained?

19 A. Microwave News, Currents of Death, the New York
20 Times, the Inquirer. The newspapers all the time. The
21 magazines. CBS's series on the effect of E/MFs, Diane
22 Allen's series. I am reading constantly.

23 Q. What information do you derive from all that
24 research?

25 A. That E/MFs are a hazard, that they do cause

1 biological changes in the cell composition in people of
2 all ages. Because of my husband's condition -- he had
3 polio when he was five -- and because of the amount of
4 cancer in my family, my daughter is at risk for becoming
5 a candidate for contracting cancer, I am concerned for
6 all three of us.

7 Q. Are you aware of any actions that have been
8 taken elsewhere by official agencies to practice prudent
9 avoidance by way of relocation?

10 MR. BONNEY: Objection, Your Honor. I don't think
11 she is qualified to testify about what other agencies
12 have done.

13 MR. SUGARMAN: Again, it goes to the reasonableness
14 of her apprehension.

15 JUDGE SMOLEN: The question calls for a yes or no.
16 Are you aware? It didn't ask what they were.

17 BY MR. SUGARMAN:

18 Q. Of any actions taken by any governmental or
19 official bodies?

20 JUDGE SMOLEN: Let's just find out if she's aware.

21 A. Explain that a little further.

22 BY MR. SUGARMAN:

23 Q. Are you aware of any schools that have been
24 located or relocated based on --

25 A. Yes. I have one in my statement here.

1 Q. Could you describe to the Commission what you
2 are aware of?

3 MR. BONNEY: Objection, Your Honor. If the
4 Protestants want to talk about a school I think a
5 representative of the school that can be cross-examined
6 about why they moved or did not move should be made
7 available. I don't think this witness is qualified to
8 talk about what a school did or why.

9 JUDGE SMOLEN: Let's find out if the witness has
10 anything to do with the school.

11 THE WITNESS: I am an elementary school teacher.

12 JUDGE SMOLEN: Wait. You have an attorney. Let
13 him proceed when there's an objection.

14 BY MR. SUGARMAN:

15 Q. Have you been made aware through the literature
16 and your reading of the literature as to any school
17 location decisions that have been based on E/MF concerns?

18 A. Yes, I have.

19 Q. What are those?

20 A. One that I have cited in the statement is --

21 MR. BONNEY: Objection, Your Honor. This is
22 hearsay and irrelevant. The question here is whether the
23 Protestants will be adversely affected by this line.

24 THE WITNESS: I will mention that in the answer.

25 JUDGE SMOLEN: You have a competent attorney. He

1 is the one that has to speak for you.

2 MR. SUGARMAN: This goes to the company's
3 recommendation to practice prudent avoidance and what is
4 prudent avoidance.

5 MR. BONNEY: That is what he asked, Your Honor.

6 MR. SUGARMAN: Let me finish.

7 JUDGE SMOLEN: Go ahead.

8 MR. SUGARMAN: It goes to that. If the witness
9 becomes aware that public school officials have announced
10 that they are moving the school because of E/MF concerns,
11 that is a factor that a reasonable person would take into
12 consideration in making their own decision.

13 JUDGE SMOLEN: Shouldn't that be your question?

14 If you believe that a school has been moved because
15 of E/MF considerations does that concern you?

16 THE WITNESS: Yes, it does.

17 BY MR. SUGARMAN:

18 Q. What school are you aware of where that has
19 occurred?

20 A. Just recently in Fresno, California, school
21 officials have agreed to close part of an elementary
22 school within 110 feet of --

23 MR. BONNEY: Objection, Your Honor. That is
24 completely irrelevant to --

25 MR. SUGARMAN: It is not irrelevant at all. It is

1 extremely relevant. How can they say it is irrelevant to
2 people's apprehension?

3 JUDGE SMOLEN: One voice at a time. The reporter
4 can only get one voice at a time.

5 The witness has testified in response to my
6 question that she has concerns because she has read that
7 a school was moved and/or closed by reason of E/MF.
8 That's it.

9 MR. SUGARMAN: All I want to do is identify the
10 school.

11 JUDGE SMOLEN: You already did. A school in
12 California.

13 MR. SUGARMAN: Fresno, California.

14 JUDGE SMOLEN: Let's go to the next question.

15 MR. SUGARMAN: I don't have any other questions of
16 this witness, Your Honor.

17 MR. BONNEY: May I have just a moment, Your Honor?

18 MR. SUGARMAN: She has a prepared statement, Your
19 Honor. I have tried to take her through the substance of
20 it but I'm not sure if she wants to add to that.

21 JUDGE SMOLEN: Well, you can ask her.

22 Anything further you want to add?

23 THE WITNESS: Could I read my statement?

24 JUDGE SMOLEN: Show it to Mr. Bonney first. Do you
25 have another copy of it?

1 MR. SUGARMAN: I have a copy and I will turn it
2 over.

3 MR. BONNEY: Your Honor, again, this is the first
4 time we have seen this. We asked previously for
5 documents and I don't think this was --

6 THE WITNESS: I didn't consider this a document. I
7 just thought it was my public testimony and I was allowed
8 to bring this and read it.

9 JUDGE SMOLEN: Well, at a hearing you are supposed
10 to give oral testimony. Sometimes we permit unsworn
11 statements to be given and they are treated as that,
12 unsworn statements.

13 But let's wait for a moment.

14 (Pause.)

15 MR. SUGARMAN: Your Honor, I think this falls in
16 the unsworn statement category.

17 MR. BONNEY: Your Honor, we understand that the
18 witness, Mrs. Glathorn, has an interest in making the
19 statement and if she would like to do so off the record
20 in the unsworn --

21 JUDGE SMOLEN: In the unsworn category.

22 MR. BONNEY: We have no objection.

23 JUDGE SMOLEN: Why don't you cross-examine -- so
24 that the record is orderly, cross-examine based on the
25 testimony that was given. Let's mark this as -- well,

1 no, we had better not. Just cross-examine and then we
2 will deal with the statement after your cross-examination
3 is completed.

4 CROSS-EXAMINATION

5 BY MR. BONNEY:

6 Q. Good morning, Mrs. Glathorn.

7 A. Good morning.

8 Q. I believe you testified that it is your
9 understanding that your home is about 400 feet from the
10 line, is that correct?

11 A. Approximately.

12 Q. What is the basis for that?

13 A. The people who live across the street, the
14 distance from their house to the line. I am just judging
15 the distance from their house to our house.

16 Q. You have not measured it?

17 A. No.

18 Q. Am I correct that there are several houses
19 between you and the line?

20 A. One row of houses. And I know the approximate
21 size of all the lots so that's what I'm judging. I know
22 the size of my lot and their lot.

23 Q. And beyond that there is a Conrail right-of-way
24 before you come to the PECO right-of-way and then the
25 line, is that your understanding?

1 A. The line goes -- yes -- over the Conrail
2 tracks.

3 Q. And there is a road between you and the line?

4 A. Not a highway, just a street.

5 Q. Okay. A residential street?

6 A. Yes.

7 Q. Do you have any plans to take E/MF measurements
8 at your home after the line is energized before you take
9 any of the steps that you indicated you would?

10 A. Definitely.

11 Q. You talked about the effects of E/MF briefly
12 and I understood that the basis of your knowledge was a
13 variety of articles and television reports? Media
14 reports, in other words?

15 A. Yes.

16 MR. BONNEY: That's all I have, Your Honor -- I'm
17 sorry. One more question.

18 JUDGE SMOLEN: Go ahead.

19 BY MR. BONNEY:

20 Q. Am I correct that you can't see the line from
21 your house?

22 A. Correct.

23 Q. There are heavy woods in between?

24 A. Not heavy, but there are trees.

25 MR. BONNEY: Thank you. That's all I have.

1 JUDGE SMOLEN: Ms. Khanwalkar.

2 MS. KHANWALKAR: I have nothing, Your Honor.

3 JUDGE SMOLEN: Ms. Burket.

4 MS. BURKET: Nothing.

5 JUDGE SMOLEN: Ms. McCloskey.

6 MS. McCLOSKEY: Just one question to clarify. I'm
7 a little confused.

8 CROSS-EXAMINATION

9 BY MS. McCLOSKEY:

10 Q. How many homes are between your house and then
11 the edge of the Conrail right-of-way? Just the one home
12 across the street?

13 A. Yes. Correct.

14 MS. McCLOSKEY: Thank you.

15 JUDGE SMOLEN: Mr. Sugarman.

16 REDIRECT EXAMINATION

17 BY MR. SUGARMAN:

18 Q. Just by way of clarificatino, have you any
19 reason to believe that the fact that your home is
20 separated by one tier -- that is, by one house -- from
21 the line, makes your neighborhood safe?

22 A. Absolutely not.

23 MR. SUGARMAN: No further questions.

24 MR. BONNEY: One follow-up just to clarify.

25 JUDGE SMOLEN: Go ahead.

RECROSS-EXAMINATION

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BY MR. BONNEY:

Q. You are at 467?

A. Right.

Q. Isn't it true that between you and the line there are houses at 489, 491, 500, 508 and 516 on the other side of the street, and on your side at addresses 477, 485, 493 and 501?

A. But the line goes behind the houses across the street from us.

Q. At an angle?

A. Correct.

MR. BONNEY: Okay. Just to clarify that.

JUDGE SMOLEN: Anything further?

MR. SUGARMAN: Nothing further.

JUDGE SMOLEN: The witness is excused from her sworn testimony at this point.

(Witness excused.)

JUDGE SMOLEN: And, Mr. Sugarman, are you going to recall the same witness to give an unsworn statement?

MR. SUGARMAN: Yes, Your Honor.

JUDGE SMOLEN: The witness is now recalled and you are now no longer under oath and not subject to cross-examination.

MR. BONNEY: May I make one clarification? The

1 statements that are to be made cannot be cited in the
2 briefs?

3 JUDGE SMOLEN: That is generally the practice.

4 MR. BONNEY: Okay.

5 Whereupon,

6 BARBARA GLATHORN

7 read an unsworn statement as follows:

8 MS. GLATHORN: As a resident of Upper Southampton
9 Township, I am extremely concerned about the proposed
10 construction of the 230 kV transmission line. In the
11 readings I have done from many states including
12 Pennsylvania, Canada and countries outside the U.S. there
13 is sufficient documentation of tragic health effects of
14 people who live in close proximity to transmission lines
15 to question the geographic location of their
16 construction.

17 In my development, of which there are approximately
18 70 homes, there are over 50 children, mostly under the
19 age of 12. There are literally hundreds of children in
20 the townships of Middletown, Lower Southampton, Lower
21 Moreland, Northampton and other areas of Upper
22 Southampton who live along the proposed route of the 230
23 kV line. We are not ready to risk the health of one of
24 these children for a powerline that carries with it too
25 many uncertainties and has been proven not to be needed.

1 The routing of such a line through five densely populated
2 residential townships should not even be considered.

3 As an elementary school teacher I'm concerned about
4 the adverse health effects such strong E/MF fields might
5 have on childrens' ability to learn. Biological changes
6 have definitely been noted in children, including brain
7 tumors, leukemia and seizures, who live near transmission
8 lines. And although we may not fully understand how or
9 why high and low doses of E/MFs cause these changes,
10 precaution has to be taken where new transmission lines
11 are to be put up. Quite obviously, possible serious
12 health effects were not taken into consideration when
13 this Woodbourne-Heaton Road line was planned.

14 The number of cancer clusters linked to E/MFs
15 continues to grow with five new clusters reported just
16 recently. Fresno, California school officials have
17 agreed to close part of an elementary school within 110
18 feet of a 230,000 volt powerline. The decision came
19 after teachers and parents protested, charging that ten
20 teachers and aides who worked in the ten classrooms
21 closest to the line developed cancer during the past
22 decade. Two have died and the others are facing the
23 same.

24 In Scranton, Pennsylvania, four cases of cancer and
25 five cases of Hodgkin's disease, which is cancer of the

1 lymphatic system, within one neighborhood are suspected
2 to be caused by a nearby 69 kV powerline. And I quote
3 one mother who said, "It is very frightening and there's
4 too much for it to be a coincidence. She has a ten year
5 old child with lymphoma.

6 We know it is just a matter of time before there is
7 federal legislation safeguarding the health of people
8 with guidelines as to how and where transmission lines
9 are to be constructed. Several senators and congressmen
10 have introduced such legislation. But in the meantime,
11 utility companies cannot be given carte blanche by public
12 utility commissions to construct such lines, with new
13 reports coming out daily of cancer clusters showing up in
14 states all over the country. From the great numbers of
15 petitions we have brought here today signed by residents
16 from the five affected townships, you will find that no one
17 wants this 230,000 volt line in their back yards. It's
18 not worth the risk.

19 I ask that you take time to consider all the
20 factors associated with the construction of this line in
21 addition to the health issues. Let's begin to make some
22 positive contributions to future generations in the area
23 of providing safe electrical service to all citizens.

24 And I thank you.

25 JUDGE SMOLEN: Thank you very much for appearing

1 and testifying.

2 (Witness excused.)

3 MR. SUGARMAN: I would like to call Mr. Matirko.

4 Whereupon,

5 ROBERT H. MATIRKO

6 having been duly sworn, testified as follows:

7 JUDGE SMOLEN: State your full name and home
8 address for the record.

9 THE WITNESS: Robert H. Matirko, M-a-t-i-r-k-o,
10 1390 Clover Lane, Feasterville.

11 JUDGE SMOLEN: Mr. Sugarman.

12 DIRECT EXAMINATION

13 BY MR. SUGARMAN:

14 Q. Mr. Matirko, can you describe where along the
15 line you are in relation to the other witnesses?

16 A. Approximately two-and-a-half miles to the east.

17 Q. Of Ed Koerper?

18 A. Yes.

19 Q. And that is in essentially a similar vicinity
20 to Mrs. Glathorn?

21 A. I would assume so.

22 Q. And what township are you in?

23 A. Lower Southampton.

24 Q. And could you describe the relationship in
25 terms of your property line to the line and poles of the

1 transmission line?

2 A. The corner of my property is approximately 37
3 feet from the line.

4 Q. From the line itself?

5 A. Yes, from the line itself.

6 Q. And which corner of your property?

7 A. Well, from the street it would be the right.

8 Q. And so is the line along, parallel to your side
9 yard, so to speak.

10 A. No. It runs completely across the back of my
11 yard. In fact, it crosses over from the far side of the
12 track to the near side directly behind my house.

13 Q. When you say far to the near side of the track,
14 you mean that the poles are located on the far side of
15 the track to the west of your property?

16 A. Yes.

17 Q. And in back of your property and to the east of
18 our property the poles are located between the rail line
19 and your property?

20 A. Exactly.

21 Q. How wide is your back yard, approximately?

22 A. A hundred and 95 feet.

23 Q. So this 37 foot distance applies to that whole
24 190 feet? Or does the line move a little bit?

25 A. Well, it moves, yes.

1 Q. So the one corner it is 37-and-a-half feet?

2 A. Right.

3 Q. Can you describe the use of your back yard?

4 A. Well, it is a fenced-in property. And we have
5 an enlarged patio which we use, especially in the
6 summertime. We eat outside a lot. We have family
7 functions with anywheres from 20 to 30 people there of
8 all ages. We have a hammock out there that we use which
9 is very close to the line. We also have a swing that we
10 use. And we enjoy our yard and we would like to maintain
11 that. In fact, I have pictures here to show exactly
12 where we are.

13 MR. SUGARMAN: Let me shows those pictures to
14 Mr. Bonney and other Counsel.

15 (Document handed to Mr. Bonney.)

16 (Pause.)

17 JUDGE SMOLEN: Let's proceed.

18 BY MR. SUGARMAN:

19 Q. Mr. Matirko, would you identify, let's start
20 with this picture here.

21 JUDGE SMOLEN: Why don't you mark it on the back.
22 Mark it as P-4.

23 (Whereupon, the photograph was marked
24 as Protestant's Exhibit No. 4
25 for identification.)

1 BY MR. SUGARMAN:

2 Q. What does P-4 depict?

3 A. A portin of our back yard, the fence, our
4 fence, and then the railroad tracks themselves.

5 Q. And the people in the foreground, are they on
6 the patio of your yard?

7 A. Yes, they are.

8 Q. What does P-5 depict?

9 JUDGE SMOLEN: Mark it down as P-5.

10 (Whereupon, the photograph was marked
11 as Protestant's Exhibit No. 5
for identification.)

12 A. It is a picture of my wife on her swing, which
13 is located at the rear portion of a yard, and shows the
14 fence and the railroad tracks directly behind.

15 Q. And where is the line? Where is the
16 transmission line? I take it when this picture was taken
17 the line it was not there?

18 A. That's correct. This is several years old.

19 Q. Is the line between your fence and the rail
20 line?

21 A. The line runs -- there is a pole approximately
22 here on the other side of the tracks. And then there is
23 a pole on this side of the tracks out of the picture
24 here, and the line goes diagonally across approximately
25 right here.

1 Q. So in the middle of P-5 the line is crossing
2 the track?

3 A. Yes.

4 Q. And from left to right it is coming closer to
5 you?

6 A. Exactly.

7 Q. Do you have after photograph here that shows
8 the right-hand side of your property where the line is on
9 the same side of the tracks as your house?

10 A. Well, actually, this would be the best picture.

11 This --

12 JUDGE SMOLEN: That is P-5 you are referring to?

13 MR. SUGARMAN: P-5, right.

14 A. This is the exact corner of my property right
15 here.

16 JUDGE SMOLEN: To the right-hand side of the
17 picture?

18 THE WITNESS: Yes, it is. That's the closest
19 point.

20 BY MR. SUGARMAN:

21 Q. Is the pole there?

22 A. The pole is over here but the line comes
23 diagonally across.

24 Q. And the pole is just off your property or right
25 on the corner of your property just out of the picture?

1 A. Out of the picture basically behind my
2 neighbor's property.

3 Q. What does P-6 depict?

4 (Whereupon, the photograph was marked
5 as Protestant's Exhibit No. 6
for identification.)

6 A. This picture was taken right from the edge of
7 my fence and it is a very clear picture of the tracks and
8 on the other side the Dolphin Swim Club.

9 Q. Is that picture located where the line is on
10 your side of the tracks or is it located where the line
11 is on the other side of the tracks?

12 A. Again, approximately where it crosses over.

13 Q. And again, how far is the line from your
14 property line at that point, the transmission line
15 itself?

16 A. Approximately 37 feet.

17 Q. Now, Mr. Matirko, what will you do differently
18 -- first, let me ask you, what knowledge have you
19 acquired and what understanding do you have, I should
20 say, what understanding do you have with respect to
21 the conditions that will exist in terms of health risks
22 to you if the line is energized?

23 A. Well, I am primarily concerned with my wife's
24 health effects, the effects it will have on her health.
25 She has a very low immune system and every week she has

1 to get allergy shots and she is susceptible to many
2 things. And I am concerned that this will adversely
3 affect her personal health, as mine, of course. But
4 primarily hers.

5 Q. What actions will you take by way of prudent
6 avoidance if any if the line is energized?

7 A. Well, we would have to curtail the majority of
8 the use of our back yard, which has always been very
9 important to us and we have put a lot of time and money
10 into it. We have expanded the patio. We have used it
11 for social functions. We just can't have people come
12 over knowing that this is a potential hazard to their
13 health.

14 MR. SUGARMAN: Thank you. That's all I have.
15 Thank you very much.

16 JUDGE SMOLEN: Before we go to the
17 cross-examination, these exhibits, P-4, 5 and 6, are you
18 going to have them reproduced as exhibits?

19 MR. SUGARMAN: Yes, I will.

20 JUDGE SMOLEN: Because there are a number of
21 pictures there and we don't want --

22 MR. SUGARMAN: I am just using those three.

23 JUDGE SMOLEN: That is what I thought. Let's just
24 retain P-4, 5 and 6. So the others the witness can take.

25 Cross-examination.

CROSS-EXAMINATION

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BY MR. BONNEY:

Q. Good afternoon, Mr. Matirko.

Are you a named Protestant in this matter?

A. I am not particularly, no.

Q. Do you know how far the line is from your home?

A. It is approximately 166 feet from the corner of my house to the line itself.

Q. How long have you owned your house?

A. Eleven years.

Q. I take it that when you brought your house the poles that you were speaking about were located where they are today?

A. Yes, they were.

Q. Am I correct that freight trains travel on the railroad lines behind your house?

A. Yes, they do.

Q. I take it that you and your family use electricity and electrical appliances in your home?

A. Yes, we do.

MR. BONNEY: That's all I have, Your Honor.

JUDGE SMOLEN: Ms. Khanwalkar.

MS. KHANWALKAR: I have nothing, Your Honor.

JUDGE SMOLEN: Ms. Burket.

MS. BURKET: Nothing, Your Honor.

1 JUDGE SMOLEN: Ms. McCloskey.

2 MS. McCLOSKEY: Yes, Your Honor.

3 CROSS-EXAMINATION

4 BY MS. McCLOSKEY:

5 Q. Mr. Matirko, I may have missed it, but do you
6 have children that live in your home?

7 A. No, we don't. My daughter does not live in the
8 home.

9 MS. McCLOSKEY: Thank you.

10 JUDGE SMOLEN: Mr. Sugarman?

11 MR. SUGARMAN: No further questions, Your Honor.

12 JUDGE SMOLEN: The witness is excused. Thank you
13 very much for appearing and testifying.

14 (Witness excused.)

15 MR. SUGARMAN: We would like to call Dr. Farina.

16 (Pause.)

17 MR. SUGARMAN: He is not here. We will bypass him
18 for the moment.

19 I would like to call Mr. Bontempo.

20 Whereupon,

21 DANTE BONTEMPO

22 having been duly sworn, testified as follows:

23 JUDGE SMOLEN: State your full name and home
24 address.

25 THE WITNESS: My name is Dante Bontempo,

1 B-o-n-t-e-m-p-o. I live at 1381 Clover Lane,
2 Feasterville, in Lower Southampton Township.

3 JUDGE SMOLEN: Mr. Sugarman.

4 DIRECT EXAMINATION

5 BY MR. SUGARMAN:

6 Q. Mr. Bontempo, would you describe approximately
7 where you live along the length of the line?

8 A. I live about three miles from Ed Koerper, east.

9 Q. Do you live in the same neighborhood as
10 Mr. Matirko?

11 A. I do. Directly across the street from him.

12 Q. And, Mr. Bontempo, where is your house and your
13 property located in relationship to the transmission
14 line?

15 A. My house is parallel to the powerline. The
16 front of my house faces the powerline.

17 Q. And approximately how far is it from your
18 property line to the powerline?

19 A. About 300 feet.

20 Q. And what use do you make of your property
21 outdoors?

22 A. I cannot make any use of my property because my
23 house, I am on a hill. What I do make use of is the
24 builder, when he built the development, donated a section
25 we call the playground, which is on the end of the

1 cul-de-sac where I live down near the railroad line
2 approximately 30 feet away from the center pole of the
3 powerline.

4 I have six grandchildren. This is where we do all
5 our activity on the weekends. We play soccer down there.
6 We play horseshoes. We play stickball. And we used to
7 play basketball until the basketball courts were
8 vandalized; we don't play there anymore.

9 But if this powerline is energized I don't feel
10 that I will have the opportunity to play with my
11 grandchildren down there on the weekends anymore.

12 Q. Now, have you any plans with respect to the
13 sale of your house other than with respect to the
14 transmission line, that is, without regard to the
15 transmission line?

16 A. Yes. I just retired this past June. I took
17 early retirement. My intentions were in about another
18 year or year-and-a-half to sell my home and probably move
19 into a retirement community of a lesser value home
20 because I feel that I need the extra income from the
21 house to supplement -- to invest to supplement my income,
22 which is not very good. And the amount of depreciation
23 that my house will have when this powerline is energized
24 will not afford me that luxury probably to invest any
25 money to subsidize my retirement.

1 MR. BONNEY: Objection, Your Honor. That is both
2 speculation and goes to the property value of his
3 residence.

4 MR. SUGARMAN: And, again, I am not offering it for
5 the proof of damages or condemnation or other award of
6 damages, which is beyond the jurisdiction of the
7 Commission, but to the issue of the environment, the
8 health and safety of the people and the land use.

9 JUDGE SMOLEN: Are you offering it for proof of
10 some depreciation, whatever that might be?

11 MR. SUGARMAN: Yes.

12 MR. BONNEY: I'm not sure, Your Honor, how
13 depreciation on his home, what he perceives will be
14 depreciation on his home --

15 JUDGE SMOLEN: Or devaluation.

16 MR. BONNEY: Or devaluation. Affects the
17 environment or the use of his home or the health and
18 safety, the things for which it is being offered.

19 JUDGE SMOLEN: Are you offering this testimony as
20 proof of the fact, of an alleged fact, that the house
21 will be devalued --

22 MR. SUGARMAN: No, Your Honor. The witness is not
23 an expert and has not tried to sell his house. There
24 will be other testimony.

25 I misunderstood your question before. So I am

1 changing my answer. The testimony is offered for the
2 fact that if the property devalues it will have an effect
3 on the witness.

4 JUDGE SMOLEN: Not the fact that it will devalue?

5 MR. SUGARMAN: No, sir.

6 JUDGE SMOLEN: He has already answered the question
7 so we will let it stand as it is. Next question.

8 BY MR. SUGARMAN:

9 Q. If you are not able to sell your property -- if
10 you are not able to generate the income from the sale of
11 your property how will that affect the quality of your
12 life?

13 MR. BONNEY: Your Honor, that is speculation,
14 again. It goes to the same area. I have the same
15 objection.

16 MR. SUGARMAN: But the problem is that all of the
17 effects of anything are speculation. There is not a
18 single instance where this Commission grants any
19 authority that isn't speculation. When you grant a rate
20 increase, it is speculation. Anything in the future is
21 speculation. And yet the Commission in deciding to site
22 a transmission line has to consider what the effects will
23 be. There is not a single one of them that isn't
24 speculation.

25 JUDGE SMOLEN: Speculation is a dirty word in a

1 court proceeding.

2 MR. SUGARMAN: Exactly.

3 MR. BONNEY: Your Honor, that may be true, what
4 he's saying, but you don't need to ask a witness to
5 speculate for the PUC to determine what is going to
6 happen.

7 JUDGE SMOLEN: Let me hear the question again and
8 let's see if Mr. Sugarman can rephrase it in such a way
9 as to avoid the taint of speculation.

10 MR. SUGARMAN: I'll rephrase it.

11 BY MR. SUGARMAN:

12 Q. Mr. Bontempo, if you are not able to create a
13 fund that you were talking about, an investment fund to
14 generate additional income, how will that affect the
15 quality of your life?

16 A. I would have to change my standard of living
17 after working for 40 years.

18 Q. And how would it have to change?

19 A. I would not be able to do the things that I
20 thought I would be able to do in my retirement life:
21 travel, have money for luxury items.

22 MR. SUGARMAN: Thank you very much.

23 JUDGE SMOLEN: Cross-examination.

24 MR. BONNEY: Thank you, Your Honor.

25 CROSS-EXAMINATION

1 BY MR. BONNEY:

2 Q. Good afternoon, Mr. Bontempo.

3 A. Good afternoon.

4 Q. As I understand it, you are not a named
5 Protestant in this proceeding, is that correct?

6 A. Pardon?

7 Q. I'm sorry. I will speak up.

8 MR. SUGARMAN: I don't think the witnesses
9 necessarily know that. I mean, you can ask it but I
10 don't think they know that.

11 MR. BONNEY: He can answer it, if he knows it or
12 not.

13 MR. SUGARMAN: Yes. But the way you're asking it,
14 it's a leading question.

15 MR. BONNEY: I am allowed to lead. It's
16 cross-examination.

17 MR. SUGARMAN: I just don't think they necessarily
18 know.

19 MR. BONNEY: Well, they can answer that.

20 JUDGE SMOLEN: If the witness doesn't know he can
21 so state.

22 BY MR. BONNEY:

23 Q. Mr. Bontempo, do you know if you're a named
24 Protestant in this matter?

25 A. I am protesting it.

1 Q. Have you been named on any of the pleadings
2 that have been filed with the Commission?

3 A. I should be. I have been involved with PAUSE
4 from the beginning.

5 Q. But you don't know if you have been or not?

6 A. No, I don't.

7 Q. Am I correct that there is a street between
8 your house and the transmission line?

9 A. Yes.

10 Q. And there are other houses across the street?

11 A. One house.

12 Q. In between?

13 A. Yes.

14 Q. So your property line does not abut the Conrail
15 property line?

16 A. No, it doesn't.

17 Q. You testified about a playground?

18 A. Yes.

19 Q. At the end of your street?

20 A. In the cul-de-sac area, down below the
21 cul-de-sac area along the railroad track.

22 Q. So it is located right next to the railroad
23 track?

24 A. Right next to it.

25 Q. Is there a fence between the playground and --

1 A. There is no fence.

2 Q. How long have you owned your home?

3 A. Eighteen years.

4 MR. BONNEY: That's all I have, Your Honor.

5 THE WITNESS: Your Honor, may I make a statement?

6 JUDGE SMOLEN: Wait until the other lawyers have a
7 chance.

8 CROSS-EXAMINATION

9 BY MS. KHANWALKAR:

10 Q. I just want to clarify. Is this playground
11 dedicated for you alone?

12 A. No. For our community, for our street.

13 Q. It is sort of a neighborhood playground?

14 A. It's a neighborhood playground, yes.

15 Q. And our main concern is, then, that the
16 neighborhood playground would no longer be available?

17 A. It will be available but who would want to
18 bring children down there?

19 MS. KNANWALKAR: Thank you.

20 JUDGE SMOLEN: Ms. Burket.

21 CROSS-EXAMINATION

22 BY MS. BURKET:

23 Q. What is the distance between your house and the
24 line?

25 A. About 300.

1 Q. I thought that was the distance to the property
2 line. I may be wrong.

3 A. No. I think it is from the property -- from
4 the house.

5 Q. From the house it would be 300 feet to the
6 line?

7 A. Yes.

8 Q. You mentioned on weekends your grandchildren
9 come to visit?

10 A. Saturdays and Sundays.

11 Q. Is it every weekend?

12 A. Just about. We have family dinners every
13 Sunday.

14 MS. BURKET: That's all the questions I have.
15 Thank you.

16 MS. McCLOSKEY: I have no questions, Your Honor.

17 JUDGE SMOLEN: Mr. Sugarman.

18 MR. SUGARMAN: I have no redirect. I'm not sure if
19 Mr. Bontempo wants to make an unsworn --

20 THE WITNESS: Just a real brief statement on
21 prudent avoidance.

22 JUDGE SMOLEN: Go ahead. As an unsworn statement?

23 MR. SUGARMAN: I'm not sure, Your Honor. Make I
24 consult for a moment?

25 JUDGE SMOLEN: Yes. Go ahead. Let's go off the

1 record for a moment.

2 (Pause.)

3 MR. SUGARMAN: This is additional testimony, if
4 Your Honor will allow supplemental testimony.

5 JUDGE SMOLEN: Go ahead.

6 REDIRECT EXAMINATION

7 BY MR. SUGARMAN:

8 Q. What actions have you taken up to the present
9 time by way of prudent avoidance?

10 A. For 35 years of our marriage, we had an
11 electric clock, time clock, by our bed on the nightstand.
12 We threw it out and got a battery clock. We threw out
13 our microwave oven.

14 MR. SUGARMAN: Thank you.

15 THE WITNESS: Can I just make a brief statement,
16 Your Honor?

17 JUDGE SMOLEN: Well, I thought that was it.

18 THE WITNESS: It could be off the record.

19 JUDGE SMOLEN: Well, we don't want to put it off
20 the record. We can excuse you as a sworn witness and let
21 you make a statement in the unsworn category.

22 Is that satisfactory to you?

23 THE WITNESS: Fine.

24 JUDGE SMOLEN: Is that satisfactory to Counsel?

25 MR. BONNEY: That is satisfactory, Your Honor.

1 MR. SUGARMAN: No objection.

2 JUDGE SMOLEN: Then you are excused, Mr. Bontempo,
3 as a sworn witness.

4 (Witness excused.)

5 JUDGE SMOLEN: Now you may proceed with an unsworn
6 statement.

7 Whereupon,

8 DANTE BONTEMPO

9 gave an unsworn statement as follows:

10 MR. BONTEMPO: Your Honor, I am not against high
11 powerlines. I am against unsafe powerlines. I am not
12 against power companies. But I am against power
13 companies that have a disregard for the quality of life
14 of the residents.

15 Thank you, Your Honor.

16 JUDGE SMOLEN: Thank you very much for appearing
17 and testifying, Mr. Bontempo.

18 (Witness excused.)

19 MR. SUGARMAN: I would like to call Mr. Cohen.

20 JUDGE SMOLEN: Mr. Cohen? Is he in the room?

21 MR. SUGARMAN: Your Honor, we can call Mrs. Cohen.

22 Whereupon,

23 LYNN COHEN

24 having been duly sworn, testified as follows:

25 JUDGE SMOLEN: State your full name and home

1 address.

2 THE WITNESS: My name is Lynn Cohen, L-y-n-n,
3 C-o-h-e-n. I live at 1509 Grace Circle, in Feasterville,
4 in the Brookside development. I live right next door to
5 Peg Lawler, who testified earlier. My house, there is
6 one house next to mine and then there is the line. I am
7 approximately 177 feet from the edge of my house to the
8 powerline.

9 DIRECT EXAMINATION

10 BY MR. SUGARMAN:

11 Q. Is that from the edge of your property or from
12 the --

13 A. From the edge of my house to the pole.

14 Q. How far is it from your property line to the
15 pole?

16 A. About 147 feet.

17 Q. And you indicated there is one property between
18 your house and the pole?

19 A. Yes, there is.

20 Q. And is it your side yard that is closest to the
21 pole?

22 A. Yes, it would be my side yard but then my back
23 yard also. It runs adjacent to the house.

24 Q. Can you describe -- first of all, would you
25 describe your family?

1 A. Yes. I have two children. I have a daughter
2 who is nine years old and I have a son who is four years
3 old and is also a diabetic.

4 Q. And how do you presently utilize your property?

5 A. Well, basically my little one is home most of
6 the day and spends probably all of his spare time outside
7 playing in the cul-de-sac and in the back yard. From the
8 end of the cul-de-sac, from the curb, is approximately 55
9 feet to the pole. We have baseball diamonds set up, the
10 children play baseball there, basketball, they ride their
11 bikes there. I would say all the neighborhood children
12 spend most of their time if not all of their time in that
13 area. It is kind of where they gather with it being the
14 end of the street.

15 Q. And you say that that cul-de-sac is 55 feet
16 from the pole?

17 A. Yes.

18 Q. And when you say your children, you are talking
19 about your boy is not in school?

20 A. He goes for school for two-and-a-half hours in
21 the morning and then he comes home. The rest of the
22 children are not home until four so he spends four to
23 five at home, in and out of the house, of course, but
24 most of the time, especially in the nicer weather we are
25 outside all day.

1 Q. And your daughter?

2 A. She comes home after school and plays from four
3 o'clock on.

4 Q. Outside in the cul-de-sac area?

5 A. Outside in the cul-de-sac area.

6 Q. What is the nature of the play activities that
7 take place out there again?

8 A. Baseball, riding their bikes, their electric
9 cars. We have a swing set. They just sit and talk.
10 They play on the lawn. They do gymnastics. They dance.
11 Just about everything that kids do.

12 Q. What have you learned about E/MF that would
13 cause you to change the pattern of your life if the line
14 is energized?

15 A. Well, there are many things: all kinds of
16 epidemiological studies from various scientists. Any
17 publication that I could get my hands on I have read so I
18 can try and make an intelligent decision about whether or
19 not this would affect my family in a harmful way. All
20 the studies I've read do link E/MFs with health effects.

21 With my son being a diabetic, I have had occasion
22 to visit Children's Hospital and see children undergoing
23 chemotherapy. Health is a primarily issue in my family.
24 I want to keep my son as healthy as I possibly can so he
25 can grow up to be healthy and not sustain any adverse

1 effects of his diabetes.

2 I know I'm not an expert testimony and you don't
3 want to talk about any of that, but if I may mention I do
4 have a study where a scientist named Jolley did a --

5 MR. BONNEY: Your Honor, I am going to object a
6 this point.

7 MR. SUGARMAN: Again, Your Honor, it goes to her
8 knowledge and the reasonableness of prudent avoidance
9 that she might practice.

10 JUDGE SMOLEN: She has testified that she has read
11 a study by a certain individual and as a result of your
12 reading that study what --

13 THE WITNESS: As a result of reading that study I
14 feel since that study shows that the beta cells --

15 JUDGE SMOLEN: Don't tell us what the study shows.
16 Because that person is not here.

17 BY MR. SUGARMAN:

18 Q. You can say what you understand. You can say
19 what the study says in terms of what you understand, but
20 don't quote the study.

21 A. What I understand from the reading is that beta
22 cells produce 35 percent less insulin when exposed to
23 magnetic fields in rabbits.

24 MR. BONNEY: Your Honor, I think we are getting
25 into --

1 JUDGE SMOLEN: Well, we are getting into scientific
2 testimony.

3 MR. SUGARMAN: I am not offering this for the truth
4 that that exists but only that this witness has read that
5 and therefore has to take pursuant avoidant steps as
6 recommended by the utility.

7 JUDGE SMOLEN: All right. So you have read this
8 study, which --

9 THE WITNESS: And I have concluded that I don't
10 feel in my mind it would be a safe environment to have my
11 child playing there when and if this line is energized.

12 JUDGE SMOLEN: That is your conclusion?

13 THE WITNESS: That is my conclusion.

14 JUDGE SMOLEN: We understand that.

15 BY MR. SUGARMAN:

16 Q. What have you done to this time as a result of
17 your awareness of the plan to energize that transmission
18 line?

19 A. I have done many things. First of all, when I
20 first became aware of the health hazards and effects of
21 E/MFs I made a lot of changes in my home. I adjusted the
22 television in my bedroom because it faced the head of my
23 son's bed. I have never used a microwave oven other than
24 a year. I was given one as a gift and then got rid of it.
25 There are many things. My children don't sit close to

1 the television. We make sure every light is out when we
2 were not in the room. We don't use an electric can
3 opener, we use the old fashioned kind. We do many
4 things. Whatever we can do to eliminate any of the
5 magnetic fields in our home we've done.

6 Along with that we are responsible for other
7 things. My children drink bottled water so we don't have
8 a problem with lead. I try to keep them nutritionally
9 healthy. We take all the precautions we possibly can to
10 raise our children as healthy children. We just feel it
11 is unfair that something is being put alongside my home
12 that potentially can harm the children and it is really
13 outside of my control. That's I'm here today. I'm just
14 glad to be given this right to talk.

15 Q. Have you taken any action in anticipation of
16 this powerline?

17 A. Yes, we have. It was a long hard decision but
18 after reading everything we have read and a lot of talks
19 and perhaps a lot of argument, we have decided to put our
20 home on the market.

21 JUDGE SMOLEN: Is it on the market now?

22 THE WITNESS: Yes, it is currently on the market.

23 BY MR. SUGARMAN:

24 Q. Did you adjust the price in your discussions or
25 any discussions that you had with respect to a real

1 estate agent because of the proposed powerline?

2 MR. BONNEY: Your Honor, I am going to object again
3 on the same grounds that I have stated earlier.

4 JUDGE SMOLEN: Well, she is not really testifying
5 as to devaluation. She is testifying as to what price
6 she has put on the house. I'll allow that.

7 Go ahead.

8 THE WITNESS: We have been asked to lower the
9 price. But given our financial situation at this time it
10 is not feasible for us to --

11 JUDGE SMOLEN: So you have not lowered it?

12 THE WITNESS: So we have not lowered it.

13 BY MR. SUGARMAN:

14 Q. Have you had any offers?

15 A. We haven't had any formal offers. We have had
16 people come through the house.

17 Q. Has the proximity to the proposed powerline
18 affected those people who have come through the house?

19 A. Basically, no. We have not gotten to that
20 point formally. It is written on our highlight sheet
21 that powerlines are being installed, but no, we have not.

22 Q. And have you looked into where you can relocate
23 to?

24 A. That is really a major problem. I could never
25 sell my home in good conscience and tell another family

1 that there is no problem in moving into that home.

2 JUDGE SMOLEN: I don't think that was the question.

3 A. What we have decided to do is rent a house and
4 live away from the line if it is energized and just leave
5 our house.

6 BY MR. SUGARMAN:

7 Q. And that is whether or not you are able to sell
8 the home?

9 A. Yes. We have to.

10 Q. Has it affected your family up -- have these
11 circumstances that you have just described affected your
12 family up to the present time?

13 A. Yes, they have tremendously. Over the past
14 year we have been under a lot of stress and in preparing
15 for this case and in researching my husband has sustained
16 ulcers and been hospitalized. There has been a lot of
17 stress throughout the family. My children, I have a lot
18 less of my time because I am researching and phone calls
19 and that sort of thing.

20 The kids are worried. I overheard a conversation
21 of the neighborhood children sitting in my garage, about
22 five of them between the ages of five and 12, discussing
23 how they could possibly halt this line and they don't
24 want to be split up and what the ramifications -- they
25 didn't use ramifications, but what the ramifications

1 would be if the line were to be installed and where they
2 would go. They have been worried also.

3 MR. SUGARMAN: Thank you, Mrs. Cohen. I have no
4 further questions.

5 JUDGE SMOLEN: Cross-examination.

6 MR. SUGARMAN: I'm sorry. I have one other
7 question.

8 JUDGE SMOLEN: Go ahead.

9 BY MR. SUGARMAN:

10 Q. Mrs. Cohen, where are your children's bedrooms
11 in relationship to the line?

12 A. They are on the opposite side of the house.
13 I did have one other thing that I wanted to state.

14 MR. SUGARMAN: Thank you.

15 JUDGE SMOLEN: Tell us. You have something else?

16 THE WITNESS: Yes. Also I read that there are
17 people who are predisposed --

18 JUDGE SMOLEN: Don't tell us what you read.

19 THE WITNESS: Oh. I have concluded that --

20 MR. BONNEY: Your Honor, it sounds like this is
21 going to be expert testimony about E/MF.

22 THE WITNESS: No, it isn't.

23 MR. SUGARMAN: Again, Your Honor, it's not being
24 offered --

25 JUDGE SMOLEN: What topic are you going to talk

1 about?

2 THE WITNESS: The predisposition of cancer. It
3 runs in my family, breast cancer, on both sides.

4 JUDGE SMOLEN: In your own family?

5 THE WITNESS: Yes.

6 JUDGE SMOLEN: All right. So it's testimony about
7 your own family.

8 THE WITNESS: My grandmothers had breast cancer and
9 suffered from that, and being predisposed to that that is
10 also one of my concerns.

11 JUDGE SMOLEN: That's one of your concerns. All
12 right.

13 MR. BONNEY: Just a moment, Your Honor.

14 (Pause.)

15 CROSS-EXAMINATION

16 BY MR. BONNEY:

17 Q: Good afternoon, Mrs. Cohen.

18 How long has your house been on the market?

19 A. About two-and-a-half months.

20 Q. You referred to a study by Jolley, is that
21 correct?

22 A. That's correct.

23 Q. Is that a study in 1982 by Jolley, Hinshaw and
24 Knierim-Hinshaw?

25 A. Yes, I believe it is.

1 Q. That was published in Bioelectromagnetics?

2 A. Yes, correct.

3 Q. Did I understand you to say that your child has
4 an electric car?

5 A. Yes, he does. We did test those. I don't know
6 the milligauss levels but I believe my husband tested
7 that.

8 Q. How long have you lived in your home?

9 A. A little over eight years.

10 MR. BONNEY: That's all I have, Your Honor.

11 JUDGE SMOLEN: Ms. Khanwalkar.

12 MS. KHANWALKAR: I have nothing, Your Honor.

13 JUDGE SMOLEN: Ms. Burket.

14 MS. BURKET: No questions.

15 JUDGE SMOLEN: Ms. McCloskey.

16 CROSS-EXAMINATION

17 BY MS. McCLOSKEY:

18 Q. I just want to go back briefly to the study by
19 Jolley. I believe we got a little chopped up there. You
20 stated that that study dealt with insulin production, is
21 that correct?

22 A. Yes, that's correct.

23 Q. Why does that concern you?

24 A. It concerns me because my son is a type 1
25 diabetic but still does have some insulin producing

1 cells.

2 JUDGE SMOLEN: I can't hear you.

3 THE WITNESS: My son is a diabetic and the study
4 showed that there was interference with insulin producing
5 cells and he does still produce cells. So I need to know
6 what kind of effects that will have on his insulin
7 production in controlling his diabetes in terms of
8 insulin injections and diabetes.

9 MS. McCLOSKEY: Thank you.

10 JUDGE SMOLEN: Anything further, Mr. Sugarman?

11 REDIRECT EXAMINATION

12 BY MR. SUGARMAN:

13 Q. If E/MFs have an effect on insulin production
14 what would you have to do in order to satisfy yourself as
15 to your son's health?

16 MR. BONNEY: Your Honor, I think that is outside
17 the scope of the cross.

18 JUDGE SMOLEN: I think the witness answered that
19 they are going to rent or move if the line is energized.

20 THE WITNESS: I will not expose my children to
21 magnetic fields.

22 JUDGE SMOLEN: So it has been asked and answered.

23 MR. SUGARMAN: Right.

24 JUDGE SMOLEN: Anything further?

25 MR. SUGARMAN: Nothing further.

1 JUDGE SMOLEN: Ms. Cohen, thank you very much for
2 appearing and testifying.

3 (Witness excused.)

4 MR. SUGARMAN: I would like to call Mr. Cohen.
5 Whereupon,

6 WILLIAM COHEN

7 having been duly sworn, testified as follows:

8 JUDGE SMOLEN: State your full name and home
9 address.

10 THE WITNESS: William Cohen, 1509 Grace Circle,
11 Feasterville.

12 DIRECT EXAMINATION

13 BY MR. SUGARMAN:

14 Q. Mr. Cohen, Mrs. Cohen that just testified was
15 your wife?

16 A. Uh-huh.

17 Q. And to make this a little briefer, you heard
18 her testimony?

19 A. Uh-huh.

20 Q. And do you agree with what she said as to the
21 facts and as to your intentions?

22 A. Uh-huh.

23 Q. Did you have any conversations with any
24 individuals representing Philadelphia Electric Company?

25 A. Twice.

1 Q. Did they give you information as to the amount
2 of power that would be generated or used on that line?

3 A. Yes. Ron came out to my house and measured.

4 Q. Ron Oedemann?

5 A. Ron Oedemann came out to my house -- and
6 another gentlemen, I don't know who he was -- and
7 measured to distance of the line to the corner of my
8 house and gave me what he felt the projected magnetic
9 fields will be. But his varied way off from Mr.
10 Boeggeman's. Mr. Boeggeman said that 360 would be
11 off-peak, six would be peak and a thousand would be four
12 hours a year. Ron said that six would be off-peak --

13 MR. BONNEY: Your Honor, I think this is hearsay.

14 MR. SUGARMAN: It is an admission by an authorized
15 representative.

16 JUDGE SMOLEN: It's not hearsay. Overruled.

17 A. He said that 1,200 would be peak and 1,800
18 would be, like, four hours a year in the case of an
19 overload or a shutdown.

20 BY MR. SUGARMAN:

21 Q. And those numbers represent what?

22 A. The milligauss?

23 Q. No, no.

24 A. Those are the amps.

25 Q. And that is the loading on the line?

1 A. Right. It's an 1,800 amp line.

2 Q. Were you given projections as to the
3 milligauss?

4 A. Yes.

5 Q. What was that?

6 A. They projected three milligauss at 600 amps,
7 five milligauss at 1,200 amps and eight milligauss at
8 1,800 amps.

9 Q. At what location was that?

10 A. My house.

11 Q. I beg your pardon?

12 A. My house.

13 Q. In the house?

14 A. When --

15 Q. I am saying where would those milligauss occur?

16 A. He didn't specify. I guess in my house,
17 because he measured from my house.

18 Q. Inside the house, right?

19 A. Yes.

20 JUDGE SMOLEN: Where was the measurement actually
21 taken?

22 THE WITNESS: He took it from in the nearest corner
23 of my house.

24 JUDGE SMOLEN: Inside or outside?

25 MR. SUGARMAN: Can be we clear what measurement we

1 are talking about?

2 JUDGE SMOLEN: Yes.

3 BY MR. SUGARMAN:

4 Q. The measurement of what?

5 A. The measurement of the distance from the line
6 to the corner of my house.

7 Q. I think His Honor was asking you about
8 milligauss.

9 MR. SUGARMAN: Your Honor, I think the witness is
10 testifying as to what was protected, not measured.

11 JUDGE SMOLEN: Okay. Not an actual measurement.

12 BY MR. SUGARMAN:

13 Q. Is that right?

14 A. Right, right. Protected. Right.

15 BY MR. SUGARMAN:

16 Q. At what location, again, were those projections
17 what location did they refer to? Where would those
18 levels occur?

19 A. In my house.

20 Q. Were you given any projections that would occur
21 outside your house?

22 A. No.

23 Q. Now, have you also attempted to become familiar
24 with the extent to which you need to be concerned?

25 A. Yeah. I try to stay away from, like, the

1 dramatic ones, like, Currents of Death and all those type
2 of things. I try to go for the studies. So I called
3 around to John Peters, Charles Gram, Bill Wisecup, David
4 Carpenter, Ross Adie. Weldon Jolley, that was
5 Bioelectromagnetics, Volume IV, No. 1, pages 103 to 106,
6 that study. I called all over and spoke to them,
7 moreover. They sent me studies, but some of them were
8 too technical for me to understand. But just speaking to
9 them --

10 Q. I'm sorry. Are these people that --

11 A. These are epidemiologist, scientists.

12 Q. Physicists?

13 A. I guess. Some are doctors. Dr. Adie is a
14 doctor. They all seemed to just -- they made me more
15 fearful than I would have been before I called them.

16 Q. Why was that?

17 A. 'Just' talking to them and giving them my
18 situation.

19 MR. BONNEY: Your Honor, I'm going to have to
20 object at this point. If he is basing his testimony on
21 conversations he had with others then I think it is
22 hearsay. Those other experts are not here to be
23 cross-examined.

24 JUDGE SMOLEN: He has not testified as to what the
25 others said. He said as a result of his conversations

1 with X, Y and Z, these folks that he has mentioned, he
2 has taken some action or is going to take some action.

3 Is that what you were going to ask him?

4 MR. SUGARMAN: Yes.

5 JUDGE SMOLEN: All right. Based on your
6 conversations, without telling us what those
7 conversations were.

8 BY MR. SUGARMAN:

9 Q. What action will you take?

10 A. Like my wife said -- well, she put it, the day
11 the line is energized she is leaving. So I can either go
12 with her or -- so I called Select Rentals and spoke to
13 Valerie. They are a large home rental company. She said
14 she could put me in a house within a week. So that is
15 what we will end up doing if it goes through.

16 Q. Have you acquired a meter yourself?

17 A. Yes. That is how we did stuff in our house as
18 far as the television goes. And there is no -- I mean,
19 there is no field around us at all right now. The only
20 electrical appliance we have is a toaster.

21 Q. Have you incurred any health problems?

22 A. Yes. I was hospitalized with ulcers about two
23 months ago.

24 Q. Prior to that had you ever suffered from
25 ulcers?

1 A. Well there's a central air conditioning system.

2 JUDGE SMOLEN: Vacuum cleaner?

3 THE WITNESS: A vacuum cleaner, yes.

4 MR. BONNEY: Nothing further, Your Honor.

5 JUDGE SMOLEN: Ms. Khanwalkar.

6 MS. KNANWALKAR: I have nothing.

7 JUDGE SMOLEN: Ms. Burket.

8 MS. BURKET: No questions, Your Honor.

9 JUDGE SMOLEN: Ms. McCloskey.

10 MS. MCCLOSKEY: I have no questions, Your Honor.

11 JUDGE SMOLEN: Mr. Sugarman.

12 MR. SUGARMAN: Nothing, Your Honor.

13 JUDGE SMOLEN: The witness is excused. Thank you
14 for appearing and testifying, Mr. Cohen.

15 (Witness excused.)

16 MR. SUGARMAN: I call Mrs. Dempsey.

17 Whereupon,

18 CAROL DEMPSEY

19 having been duly sworn, testified as follows:

20 JUDGE SMOLEN: State your full name and home
21 address.

22 THE WITNESS: Carol Dempsey, D-e-m-p-s-e-y.

23 JUDGE SMOLEN: And your address?

24 THE WITNESS: 705 Buck Road, Feasterville.

25 DIRECT EXAMINATION

1 BY MR. SUGARMAN:

2 Q. Mrs. Dempsey, would you describe where your
3 property is in relation to some of the other witnesses?

4 A. My property is about two-and-a-quarter miles
5 east of Ed Koerper.

6 Q. And you are located on Buck Road, is that
7 right?

8 A. Yes, that's right.

9 Q. In Lower Southampton Township?

10 A. Yes.

11 Q. And do you have any children?

12 A. Yes. I have three girls.

13 Q. And their approximate ages?

14 A. Twenty-one, 19, and 14.

15 Q. And where is your house located in relationship
16 distance-wise to the transmission line?

17 A. My property line is approximately 105 feet from
18 the transmission line. And my house is about 150 feet,
19 the house itself.

20 Q. And does your property abut the transmission
21 line right-of-way?

22 A. No, it doesn't. I live on one side of Buck
23 Road and it is right across the street.

24 Q. Is there another residential property on the
25 other side of Buck Road between Buck Road and the line?

1 A. No, there is not.

2 Q. So in effect it is your next door neighbor
3 across the street?

4 A. I look out my front door and front window and I
5 see this line, yes.

6 Q. Is there a strip of grass or something between
7 Buck Road and the transmission line?

8 A. Just the right-of-way, I believe.

9 Q. Of the road itself?

10 A. From the road to the train tracks. I'm not
11 sure exactly how much distance is there but it is very
12 close.

13 Q. Are the poles on the same side of the railroad
14 as you or are they on the other side?

15 A. They are on my side.

16 Q. Now, can you describe who you -- well, first of
17 all, in your house, where do your children sleep in
18 relationship to the front of your house?

19 A. My children sleep in the two bedrooms that are
20 in the front of the house. So the wall of their bedroom
21 faces the line.

22 Q. And this is upstairs on the second floor?

23 A. Yes, that is right.

24 Q. So they are elevated, approximately, 10 to 12
25 feet before above the street?

1 A. No. Our house is up on the hill. When I look
2 out my front window I am almost even with the train
3 tracks. I look out on the train tracks. So that is how
4 high the house is. And the poles, being, what, about 70
5 feet high, you can see them out the bedroom window, too.
6 In fact, there is one right there, a large pole right in
7 front of the house.

8 Q. So the train tracks and the pole are elevated
9 above the street also? Or are they at the street level?

10 A. No, they are elevated.

11 Q. And you say your house, that your front yard is
12 uphill from the road?

13 A. Yes.

14 Q. So you are elevated also?

15 A. That's right.

16 Q. Now, can you describe the use that you make of
17 your property outdoors?

18 A. Yes. Well, we use our back yard quite a bit.
19 The property goes up a hill even further in the back and
20 we have a huge terrace. I guess I spend about eight
21 hours a week out there gardening. And then we have
22 barbecues and family get-togethers and the girls sunbathe
23 out there and play badminton and croquet and have their
24 friends over in the back yard. We have a patio.

25 Q. What have you learned about the

1 electro-magnetic forces that has led you to any
2 conclusions or understandings about the need for
3 practicing some kind of action by way of prudent
4 avoidance?

5 A. Well, in all the studies I have read and all
6 the newspaper articles, New York Times, our township
7 Courier ran a three page article on E/MFs and the causes,
8 the effects of E/MFs, and it's a great concern.

9 Q. As a result of that what actions would you take
10 to differ your life patterns in the event that the line
11 is energized?

12 A. I guess I would have to -- I am not in a
13 position to sell my house right now because I have two
14 children in college. And we have a very high loan taken
15 out on the house and there is no other equity left and
16 there won't be if the house would depreciate. So
17 therefore we have to just spend as much time as possible
18 away from the house.

19 Q. Do your children have relationships with other
20 children in the neighborhood?

21 A. Yes, they do. We have been in our house for 13
22 years, so they have school friends and neighborhood
23 friends.

24 JUDGE SMOLEN: How many children do you have?

25 THE WITNESS: Three.

1 JUDGE SMOLEN: Two are away at college?

2 THE WITNESS: No. One is back. She just graduated
3 in May and is home. She graduated from college in May.

4 JUDGE SMOLEN: And the other?

5 THE WITNESS: One is in LaSalle University.

6 JUDGE SMOLEN: Commutes or lives there?

7 THE WITNESS: She lives there, but she commutes on
8 weekends because she works at Hechingers to make her
9 spare money.

10 JUDGE SMOLEN: And the third?

11 THE WITNESS: The third one is 14. She just
12 started high school.

13 JUDGE SMOLEN: Okay.

14 BY MR. SUGARMAN:

15 Q. How would you change your, in referring to your
16 14 year old, how would you change your 14 year old's
17 lifestyle in the event this the line is energized?

18 A. Well, I guess it would be difficult for her to
19 have -- I wouldn't want her to have her friends over in
20 our back yard or front yard, playing games. I guess she
21 would have to spend more time away from our home.

22 Q. Have you had contact with any PECO employees
23 with respect to this potential sale of your house?

24 A. I don't have a potential sale.

25 Q. Or with respect to the condition of your

1 property?

2 A. The only contact I had was with a Charles
3 Martin.

4 Q. Who is that?

5 A. He is a public relations person for PECO.

6 Q. And what --

7 A. And I had called him and -- I guess I called in
8 regard to the condition of the property that they were
9 working on, putting the line up. They had left it in
10 such a mess that looking out from my front, the front of
11 my house, it was very undesirable.

12 JUDGE SMOLEN: You put it in the past tense.

13 THE WITNESS: Well, it still is very undesirable.
14 It has not been fixed. Mr. Martin said that after the
15 line was up that, you know, he would -- how did I put it
16 -- he might consider or PECO might consider putting in
17 some kind of plant cover. Because they cut down all the
18 trees. Before I didn't see from my property from the
19 time the shrubbery bloomed and the trees were in bloom.
20 All summer you could not see the train line, you couldn't
21 see the trains.

22 JUDGE SMOLEN: So it's not a question of degree out
23 there, it's a question of --

24 THE WITNESS: Well, what happened is when they cut
25 down all the trees and defoliated the ground, people

1 starting leaving tires there and throwing trash. You
2 came up Buck Road and I guess you flung it out of your
3 car. There were tires -- or there was a tire there --

4 JUDGE SMOLEN: You keep talking in the past tense.

5 THE WITNESS: There is no longer -- they cleaned
6 that up. There is no longer trash there. But all the
7 trees were cut down so therefore it is looking at just a
8 big open cinder block lot and that is what I look at from
9 my front window, from the front of my home. So it has
10 changed the desirability of my home.

11 MR. SUGARMAN: Thank you. No further questions.

12 JUDGE SMOLEN: Mr. Bonney.

13 MR. BONNEY: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. BONNEY:

16 Q. An afternoon, Mrs. Dempsey.

17 If you know, do you know if you are a named
18 Protestant in this matter?

19 A. I believe I am. But I am not 100 percent. I
20 signed a paper.

21 Q. I understand there is a road that goes in front
22 of your house?

23 A. Yes. It is one lane each way. It is called
24 Buck Road. I believe it is a state highway, a state
25 road.

1 Q. And did you say you have owned your home for
2 about 13 years?

3 A. Yes.

4 Q. The trees that you were talking about that have
5 been cut down, those have all been cut down on the
6 Conrail property as far as you know?

7 A. On the right-of-way that PECO has purchased
8 from Conrail.

9 MR. BONNEY: That's all I have, Your Honor.

10 JUDGE SMOLEN: Ms. Khanwalkar.

11 CROSS-EXAMINATION

12 BY MS. KHANWALKAR:

13 Q. When you said that you would spend as little
14 time as possible in the house if the line was energized,
15 would you do that without taking measurements or would
16 you first take measurements and then decide if you wanted
17 to spend less time in your house?

18 A. Well, I would take measurements. But since
19 there is no proof that a low measurement isn't harmful,
20 so until someone concludes, makes a conclusion that one
21 way is more harmful than the other I don't think I would
22 take a low measurement as being safe.

23 Q. So you are talking about any detectable --
24 anything that is detectable, you would stay away from
25 your house?

AFTERNOON SESSION

(2:00 p.m.)

1 JUDGE SMOLEN: Are we ready to proceed?

2 MR. SUGARMAN: Yes, Your Honor.

3 JUDGE SMOLEN: Next witness.

4 MR. SUGARMAN: Frank English, please.

5 Whereupon,

FRANK ENGLISH

6 having been duly sworn, testified as follows:

7 JUDGE SMOLEN: State your full name and home
8 address.

9 THE WITNESS: My name is Frank English. I reside
10 at 239 West Bristol Road, in Feasterville, Pennsylvania
11 19053.

DIRECT EXAMINATION

12 Q. Mr. English, can you identify your approximate
13 location along the course of the transmission line from
14 east to west?

15 A. Okay. I am approximately a mile-and-a-quarter
16 from Mr. Cohen's residence.

17 Q. East or west?

18 A. East.

19 Q. East of Cohen?

20 A. Yes.

21 Q. Okay. And what township are you in?
22
23
24
25

1 A. That is in Lower Southampton.

2 Q. And can you describe the relationship,
3 geographically between your property and the transmission
4 line?

5 A. We sit approximately 101 feet from the pole.

6 Q. And when you say we sit, is that the property
7 line or the house?

8 A. No. The corner of my house is approximately
9 101 foot. The property line is about 90 foot.

10 Q. And where is your --

11 A. Excuse me. Let me rephrase that. It is 90
12 foot from the edge of my property to the pole.

13 Q. And what part of your property is closest in
14 proximity to the line?

15 A. It would be the northwest corner of our house.
16 The line runs at an angle and we set at an angle to the
17 line.

18 Q. And is the northwest corner of your house at
19 the front or rear of your house?

20 A. It would be the rear.

21 Q. So the transmission line runs at an angle,
22 let's say, across the rear end of your property 80 feet
23 from the property line?

24 A. It runs at an angle on the west side of the
25 house. The house sits on an angle. The line runs at an

1 angle in accordance with the house. The closest point
2 would be the northwest corner.

3 Q. Can you describe the uses that you make of your
4 property, the house? What is your particular utilization
5 of your property?

6 A. Well, we set back off of Bristol Road several
7 hundred feet and it is very secluded. We have a lot of
8 trees. Unfortunately there have been a lot of trees
9 destroyed. We built a deck which runs the full length of
10 the back of the house. The house itself is 62 foot in
11 length. The deck is approximately 80 foot long. It is
12 55 foot across one side and 45 foot across the other
13 side, the 45 foot side being on the west side.

14 Q. So that is located several hundred feet from
15 the road in a private area, so to speak?

16 A. Right.

17 Q. That is framed by your property?

18 A. Right.

19 Q. When you measure 100 feet from the house, are
20 you measuring from the edge of the deck?

21 A. From the northwest corner of the house, which
22 also is our bedroom. The deck itself at that point is
23 eight-and-a-half foot wide. Our property line at the
24 corner of our house, at that point is ten foot. We are
25 off of the Conrail right-of-way by ten foot.

1 Q. And so the transmission line is within but over
2 from the edge of Conrail's right-of-way?

3 A. Right. The transmission line is from -- their
4 pole runs 30 foot east and is still on Conrail's property
5 at that point.

6 Q. Now, can you tell us what knowledge you had as
7 to electro-magnetic fields when you found out about the
8 transmission line and what you do as a result of finding
9 out about the transmission line?

10 A. I have to back up here a second. I happened to
11 be home and saw some activity on the Conrail line. I
12 asked a gentleman what was going on and he told me that
13 Philadelphia Electric was bringing a 230,000 volt
14 powerline down the Conrail right-of-way. And at that
15 point I happened to remember reading some articles with
16 regard to electro-magnetic fields and I became very
17 concerned about it.

18 I contacted Conrail and they referred me to the
19 Philadelphia Electric Company people. I spoke to a
20 gentleman at their corporate office downtown and he said
21 he would have another gentleman call me back, which they
22 did. I am at a loss for the gentleman's name but I could
23 provide it.

24 The next thing, I decided that, gee, I had not seen
25 anything in the newspapers in regards to this particular

1 line, so I went to our local township, which is Lower
2 Southampton, and I asked at one of the township meetings
3 if they were aware of the potential line being
4 constructed on the Conrail line. At that point they told
5 me that they were not.

6 So it happened to be covered by one of the local
7 papers. And they talked to me in regards to that and I
8 made the comment that, you know, I would really like to
9 get a group of citizens together to discuss this.

10 Approximately three days after that conversation a
11 Mr. Bill Gallagher from Philadelphia Electric contacted
12 me. He contacted me and asked me a question and said is
13 your name Frank Church or Frank English. I said my name
14 is Frank English. He said we have spent three days
15 trying to find out who you were. And he at that point
16 told me that in regards to the sunshine law that it's
17 a felony or something to give a false name at a township
18 meeting, which I asked him if he was accusing me of doing
19 that. He said absolutely not. I said my name was
20 correct when I was out there; unfortunately the paper
21 picked up a bad name.

22 He also told me if I wanted to have a meeting feel
23 free to contact him, I could bring a few of my neighbors
24 in, and they would consider giving us coffee and
25 doughnuts in their air conditioned office. I told him I

1 wasn't interested in that at that point.

2 So we put together a meeting on the spur of the
3 moment and I think we had approximately 60 people at the
4 meeting where we discussed this particular problem. Also
5 at that meeting was Philadelphia Electric's man, Stan
6 Johnson. Mr. Boeggeman was on vacation, I believe.

7 Q. And from all that and from what other sources
8 did you acquire an understanding as to the implications
9 of electro-magnetic fields?

10 A. Well, there are numerous books, of course, on
11 the market, Currents of Death and other articles. The
12 New Yorker had a section in it. And we started to really
13 get into it. And the more I happened to read about it,
14 the more I felt that this is something that I didn't want
15 to be associated with. And it made me very upset and
16 quite -- to be quite honest, it made me very angry.

17 Q. What did you learn about E/MF that made you
18 upset and angry?

19 A. The point that it is a field that is invisible,
20 you really can't control it. You can bury the line but
21 it still does not stop the process completely of the
22 electro-magnetic fields. You can consider other
23 alternatives such as running lines side by side and that
24 would eliminate it, but as a whole there is no way of
25 stopping the electro-magnetic field. It has a tendency

1 A. Correct, yes.

2 Q. So you live on the same block and street that
3 they do?

4 A. Yes. I am more towards the middle of the
5 street than they are. They are at the end of the street
6 in a cul-de-sac.

7 Q. And how close is your property to the proposed
8 transmission line?

9 A. I am across the street from it. My house faces
10 where the line will be.

11 Q. So you are on the same side of the street as
12 Mr. Bontempo?

13 A. Right.

14 Q. Do you have children that live in your house
15 with you?

16 A. Two.

17 Q. How old are they?

18 A. My daughter is 11-and-a-half, almost 12. My
19 son is almost ten.

20 Q. And do they -- Mr. Bontempo mentioned a
21 cul-de-sac or a playground at the end of the street that
22 is adjacent to the right-of-way. Are you familiar with
23 that?

24 A. Yes, I am.

25 Q. Do your children play there?

1 A. I don't allow them to go there and play per se
2 because I am usually not going down there with them. We
3 do take walks. We walk through the area. We have a
4 fenced-in back yard and there is plenty of room for them
5 to play there.

6 Q. Have you acquired any familiarity such that you
7 have any understanding of the risks and dangers
8 associated with the exposure to E/MFs?

9 A. Yes. I can't base this on any definite facts
10 because I was really too young and I have not gone back
11 to really figure correlations and tried to track down
12 other people, but when I was eight we moved to a
13 neighborhood in Levittown. We were four houses away from
14 -- we called them high tension lines at that time. I
15 don't know whether they still call them that. I have not
16 heard that term in a while.

17 Out of nine houses, the nine closest houses, we had
18 four cases of cancer. I was one of them. We had one
19 case of brain cancer; the woman died. One case of -- and
20 I don't know what particular cancer the other woman had;
21 she also died. One case of uterine cancer and one case
22 of uterine/breast cancer.

23 I had uterine cancer and it took me many, many
24 years of surgeries, doctors and medication and whatnot to
25 produce the two children that I have in the back of the

1 room now. I would not want them to go through the same
2 thing that I went through.

3 I didn't think about it until hearing some of the
4 testimony here, but my bedroom was the closest room in
5 the house to the wires when we lived there. I lived
6 there until '62. I went off to college and within a few
7 years I was diagnosed with cancer.

8 Like I say, I can't come up with any authentic
9 proof but it seems like four cases of cancer in nine
10 houses was a lot. I don't know if any of the other
11 people later came down with it or not. I have no
12 follow-ups on where they moved or what happened to them.

13 One of my main concerns now is on top of just the
14 idea of living where we do, and I still think that we are
15 close enough to the lines that it can affect us, but my
16 children are home more than other children are because we
17 home school. They are not in the neighborhood 24 hours a
18 day. We do go out of the neighborhood for other
19 activities. But they are home more often than other
20 children, which gives them the better chance of more
21 exposure. In addition, they do play across the street
22 with their friends in their back yards. They swim in
23 friends' yards, the pools are close to the tracks and the
24 lines.

25 I don't know what else. Do you have any other

1 questions?

2 Q. No. Thank you, Mrs. Maier.

3 Let me ask this: what would you do if the line were
4 energized?

5 A. I don't know. Personally I would not want to
6 stay there. It is not really feasible for us to move at
7 this time. Financially I don't think we could afford it.
8 But I have relatives literally all over the world. I
9 would find someplace to go. I would not want to take a
10 chance of going through this again. There is no saying
11 that my children won't develop cancer or some other
12 dreadful disease but if there is any risk, any slight
13 risk, possibility of it, knowing that I am exposing them
14 to this, I would be a fool to stay there, you know,
15 having gone through what I have gone through.

16 MR. SUGARMAN: Thank you, Mrs. Maier. I don't have
17 any other questions.

18 JUDGE SMOLEN: Mr. Bonney.

19 MR. BONNEY: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. BONNEY:

22 Q. Good afternoon, Mrs. Maier.

23 I understood that you said that your house was
24 across the street from where the line is. Is it fair to
25 say that your home is over 300 feet away from the line?

1 MR. SUGARMAN: Thank you, Your Honor. Mr. Small is
2 here now.

3 Whereupon,

4 ROBERT SMALL

5 having been duly sworn, testified as follows:

6 JUDGE SMOLEN: State your full name and home
7 address.

8 THE WITNESS: Robert Small, 15 Wychwood Lane,
9 Langhorne, Pennsylvania.

10 JUDGE SMOLEN: Mr. Sugarman.

11 DIRECT EXAMINATION

12 BY MR. SUGARMAN:

13 Q. Mr. Small, I take it you're a next door
14 neighbor to Mrs. Monarch, is that correct?

15 A. She lives two doors away.

16 Q. And I may have asked her this, but I have been
17 asking people to define where they live along the line in
18 some relative sense between east and west. You are in
19 Langhorne. Is that in the borough or Middletown
20 Township?

21 A. Middletown Township.

22 Q. Is that towards the eastern end of the line or
23 the western end of the line?

24 A. I would imagine it is probably northwest.

25 Q. Mr. Small, can you describe where the line is

1 in relationship to your particular property, that is, how
2 far it is from your closest property line?

3 A. Well, the back of my property line is
4 approximately 200 feet and that entire 200 feet runs
5 perpendicular to the train tracks. And from my property
6 line to the center of the tracks is somewhere between 45
7 and 50 feet away.

8 Q. And do I understand that the transmission line
9 runs parallel to your rear property line?

10 A. Yes.

11 Q. And you indicated your rear property line is
12 about 200 feet?

13 A. In length.

14 Q. Two hundred feet in length, yes.

15 A. And my rear property line, that entire 200
16 feet, runs adjacent or abuts against this, the railroad
17 right-of-way.

18 Q. And when you say it is 45 to 50 feet, are you
19 talking from the property line to the poles of the
20 transmission line?

21 A. From where the center of the railroad tracks or
22 the center of where this proposed transmission line is is
23 45 to 50 feet to my property line.

24 JUDGE SMOLEN: To the line, not to your house?

25 THE WITNESS: To the line.

1 JUDGE SMOLEN: To the line. Okay.

2 BY MR. SUGARMAN:

3 Q. And did the construction of the transmission
4 line take place along -- has it taken place along your
5 property line?

6 A. In some cases certainly along the property line
7 and in some cases on my property.

8 Q. I was going to get to that. Would you describe
9 the nature and extent of the construction activity on
10 your property?

11 A. Well, without trying to go into anything that's
12 the generic, the unique pieces of it are they came on our
13 property line, cut down some of our trees that were on
14 our property, a significant number of the trees. And so
15 they basically have come on and reduced the value or
16 assets. They have destroyed my personal property.

17 In addition to that --

18 Q. Did you have any advance knowledge that they
19 were going to destroy your trees?

20 A. None at all. In fact, that was probably one of
21 the areas or first indications that I had that PECO had
22 an interest in doing something back there on the Conrail
23 property.

24 Q. Prior to learning of them constructing or
25 destructing the trees, did you have any notice of their

1 intent to build the line prior to the inception of the
2 work?

3 A. None at all, in any form.

4 Q. Have you been compensated in dollars or any
5 other form for the loss of your trees?

6 A. We have never been able to come to any type of
7 agreement on that.

8 Q. And did PECO agree with you that they had torn
9 down some of your trees?

10 A. Yes, they have.

11 (Pause.)

12 A. I should clarify that. Certainly when you are
13 dealing with someone during the construction phase, you
14 never knew whether you were dealing with a PECO employee
15 or a third party representative of PECO. You never knew
16 whether you were dealing with PECO or a subcontractor.

17 Q. Who was it, if you know, by name or occupation
18 that told you they had in fact cut down some of your
19 trees?

20 A. Basically, in trying to track down some of
21 those individuals, chasing them down physically, it was
22 some of the supervisors in charge of that clearing
23 process, I believe they called it.

24 Q. You mean the bosses of the crew that was doing
25 the cutting?

1 A. Yes.

2 JUDGE SMOLEN: Was that a PECO crew or a contractor
3 crew, a third party?

4 THE WITNESS: I have indicated that --

5 JUDGE SMOLEN: That you don't know.

6 THE WITNESS: -- I never knew who.

7 JUDGE SMOLEN: Do you know now?

8 THE WITNESS: No, I don't.

9 JUDGE SMOLEN: Is this matter the subject matter of
10 litigation between you and PECO in another forum?

11 THE WITNESS: I have left it in this forum.

12 JUDGE SMOLEN: This forum has no jurisdiction to
13 award damages.

14 THE WITNESS: I understood that.

15 MR. SUGARMAN: He doesn't mean that, Your Honor.
16 What he means is -- one of the reasons why we said that
17 we were entitled to notification was because our
18 properties were being taken. Mr. Small was the
19 individual who was mentioned by name as having had his
20 property taken. So what Mr. Small is saying, we related
21 it to the issue of notice.

22 JUDGE SMOLEN: Just so the witness understands,
23 this Commission has no jurisdiction to award damages,
24 monetary damages, for alleged property destruction.

25 THE WITNESS: Let me go on to say that there are

1 some things more important in life than a handful of
2 trees and my sense was if I pursued compensation for a
3 dozen trees that somehow that I would be taken advantage
4 of and forfeit rights to something that is more
5 significant, in fact, life itself. I am more concerned
6 with the health of my children than foregoing what PECO
7 would remunerate me, maybe \$10,000 or \$20,000 for some
8 very mature trees. I am willing to forego that for the
9 sake of the health of my children.

10 JUDGE SMOLEN: Let me just say this, that before
11 you forego anything you should discuss it with your
12 attorney.

13 Anyway, let's get to the issues in this case.

14 MR. SUGARMAN: What he is saying, Your Honor, is
15 that he was concerned as to the prejudice it might have
16 in this proceeding.

17 JUDGE SMOLEN: I understand what he said. And he
18 should discuss that with his lawyer.

19 MR. SUGARMAN: That was not a release.

20 JUDGE SMOLEN: Okay. I understand.

21 BY MR. SUGARMAN:

22 Q. Now, Mr. Small, can you describe to His Honor
23 how your house is set in relationship to the edge of your
24 property?

25 A. Well, I have talked about the back of the yard

1 being approximately 200 feet in width. On the back
2 portion of that lot are where my children's jungle gym is
3 and pretty much where they play. That is our back yard.

4 Adjacent to the house is a deck that runs the full
5 length of the back of the house.

6 Q. How far is the house from the property line?

7 A. The house to the property line is approximately
8 90 to 75 feet.

9 Q. So the distance from the house to the
10 transmission line would be about 125 feet?

11 A. Yes. That would change from corner to corner.
12 It might go from 110 to 130.

13 Q. One side of the house being 110 feet from the
14 transmission line and the other end of the house being
15 130 feet, something like that?

16 A. In that the house does not sit on the lot
17 perfectly square to the linear fashion of the track.

18 Q. You indicated children. Can you identify for
19 His Honor what the family consists of?

20 A. There is my wife, approximately 35 years of
21 age, and then we have two children, a son five, and a
22 daughter two.

23 Q. And where are their bedrooms in the house?

24 A. Lauren's, the younger child, is in the back
25 bedroom, which is on the interior side of the back of the

1 house which faces the line. So her bedroom is
2 approximately 120 feet from this transmission line.

3 Q. You indicated a jungle gym. Could you give us
4 a description of how you use the back yard, how the
5 children use the back yard in terms of frequency and
6 duration?

7 A. I tend to think that we are not much different
8 than any other parent. We encourage our children to play
9 in the back of the yard basically to stay away from cars
10 and those sorts of things. Predominantly our children
11 spend their afternoons in the back yard. That is where
12 we encourage them to play.

13 Q. Will you be able to do that -- I'm sorry. Let
14 me ask you another question. What knowledge have you
15 acquired or what understanding have you acquired with
16 respect to the health risks associated with E/MF if the
17 transmission line is energized?

18 A. Well, it is going to cause a high degree of
19 unknown. I mean, even the electric company is indicating
20 or endorsing the fact that people should exercise prudent
21 avoidance. I don't know how do I say to a two or five
22 year old, how do you rationalize with a two or five year
23 old to say that, geez, you can only play in the back yard
24 for an hour-and-a-half and that's about all the doses
25 that you can get of this crap. I don't know how to do

1 that.

2 I am going to be in a situation where I can't run
3 the statistical probability of even an hour a day being
4 too much exposure for them. I don't want to be talking
5 to them 15 years down the road and saying the reason why
6 you have a health problem is because I underestimated the
7 dosage. I should have only allowed you to play 45
8 minutes in the back yard, not an hour and 15 minutes.

9 So basically it has turned my back yard into a
10 wasteland. I mean, that is what they want to do. And
11 they have put a number on that. They have put a value on
12 writing off my back yard but they are not willing to
13 admit it.

14 And I don't know how far it goes, from any back
15 yard or into my front yard. They don't define prudent
16 avoidance to me. It is not in their economic interests
17 to do so. And the PUC just does not provide enough
18 information.

19 Prudent avoidance is a cop out. It is not helping
20 the layman understand what to do. They are instilling
21 fear, they are legitimizing fear of this real problem.
22 They ought to be telling me what to do.

23 Q. In the absence of them telling you what to do
24 -- by the way, have you had any conversations with PECO
25 about what to do? Any communication?

1 A. The most technical information that I have
2 gotten from PECO is suggestions such that maybe you ought
3 to unplug your toaster. I mean, they equate this 230
4 transmission line to the E/MFs that I am going to get
5 from my plugged in toaster or can opener. The most
6 significant piece of information that they have given me
7 that I have been able to exercise that I was not aware of
8 is that, geez -- I should not even give them credit for
9 this, but I have moved my alarm clock from two feet away
10 from my bed to the other side of the room. It still
11 functions that way and it does minimize this potential
12 problem.

13 Q. Did they give any guidance as to what prudent
14 avoidance would entail as to your prudently avoiding
15 exposure to the transmission line?

16 A. I would have to admit over the last 15 or 18
17 months I feel as if I am a much better educated consumer
18 and I have modified my behavior, unplugging toasters, can
19 openers, and you plug them in when you need them. But I
20 resent the fact that PECO is going to put something to
21 me. They're going to put something that's going to blast
22 my property 24 hours a day, 365 days a year. That is
23 being put to me. There is no way I can exercise prudent
24 avoidance on something that is being put to me in such a
25 constant fixed fashion.

1 I take full responsibility of keeping my children
2 ten feet away from the TV. I take full responsibility
3 for relocating my alarm clock. But I resent the fact
4 that these guys are going to be putting something to me
5 that I have no control over and I am no different than
6 any other middle class person.

7 Pick a number, okay, but a good portion of my net
8 worth is tied into a home and they are making this thing
9 extremely inliquid. If something was being put to me and
10 it was being put to me in such a way it was not going to
11 alter my economic ability to move, I would say find me a
12 PECO employee to buy the damn house and I am gone. But
13 there is not one of these guys standing up and saying,
14 geez, I will give you dollar for dollar against the value
15 of your house to live next to that line.

16 Q. In that situation that you confront, have you
17 made a decision as to what you will do if the line is
18 energized?

19 A. If it is not clear from just the short time
20 that I have been able to express where my head is at, I
21 have to move my two and five year old out of this risk
22 environment. By PECO's own admission, it is a risk
23 environment by just labelling it prudent avoidance. On a
24 . . . 238, whatever you call it, this thing is going to be
25 zapping me. I am not going to take that risk.

1 JUDGE SMOLEN: Are you saying you will move?

2 THE WITNESS: I have to move.

3 JUDGE SMOLEN: Are you saying you will move?

4 THE WITNESS: I am going to move.

5 JUDGE SMOLEN: Next question.

6 BY MR. SUGARMAN:

7 Q. You anticipate that you will suffer a financial
8 loss in moving?

9 A. Well, at minimum, okay, there are transaction
10 costs and if you look at realtor fees, relocations,
11 personal belongings, those sorts of things. Just talking
12 about out of pocket, I mean, you are talking somewhere
13 between \$30,000 to \$50,000. That is just out of pocket
14 without looking at, let's say, dislocated assets,
15 draperies, improvements, personalizations of the home,
16 things that -- I am sure I have just in improvements,
17 wallpaper, paint, draperies, I know that my wife has sunk
18 \$25,000 to \$40,000 into that house that I have to walk
19 away from. That is a problem.

20 Q. Have you had occasion to determine whether
21 there will be a diminution in value of the property?

22 MR. BONNEY: Objection, Your Honor.

23 BY MR. SUGARMAN:

24 Q. I am not asking for a number, but just yes or
25 no.

1 MR. BONNEY: Objection, Your Honor, even to whether
2 there will be.

3 MR. SUGARMAN: I am asking not for an opinion but
4 whether there is any experiential facts that have been --

5 JUDGE SMOLEN: Well, let's go into facts rather
6 than opinions.

7 MR. BONNEY: His property is not for sale. He has
8 not testified that it is for sale.

9 JUDGE SMOLEN: That's why I said let's get into
10 some facts.

11 BY MR. SUGARMAN:

12 Q. Have you attempted to list the property at this
13 time?

14 A. No, we have not.

15 Q. Have you --

16 A. We have had market evaluations.

17 Q. That is what I was getting to.

18 A. And quite frankly, I have side-stepped the
19 issue intentionally with realtors.

20 JUDGE SMOLEN: Side-stepped the...?

21 THE WITNESS: The issue of a transmission line
22 behind my home with the realtor. And it is based on the
23 fact that those individuals who have spoken to realtors
24 and have been open enough to share with them, share with
25 the realtor the fact that the reason why they are moving

1 is because of the transmission line, the realtor because
2 of liability is clearly going to put and has put in some
3 instances disclosures that PECO is putting a transmission
4 line. So my intent is to mislead the realtor the same
5 way PECO has misled me or misrepresented to me and simply
6 I want at minimum if they put the God-forsaken thing back
7 there PECO to indemnify me from anyone that I potentially
8 sell my home to. If it's safe for me it should be safe
9 for the person that I sell it to, and they should provide
10 indemnifications for everyone.

11 MR. SUGARMAN: Thank you. I have no further
12 questions.

13 MR. BONNEY: May I have just a minute, Your Honor?

14 JUDGE SMOLEN: Yes.

15 (Pause.)

16 CROSS-EXAMINATION

17 BY MR. BONNEY:

18 Q. Good afternoon, Mr. Small.

19 You testified about removal of trees. Do you
20 recall that?

21 A. Yes. That was just a few minutes ago.

22 Q. It's true, is it not, that PECO removed some
23 trees from your property at the request of you or your
24 wife?

25 A. That is not true.

1 Q. Isn't it true that PECO removed a tree in front
2 of your home, in other words, on the other side of your
3 home from the line?

4 A. That is not true at all.

5 MR. BONNEY: One moment.

6 (Pause.)

7 BY MR. BONNEY:

8 Q. Am I correct that the trees that were removed
9 were done with the permission of yourself or your wife?

10 A. That is not true. If you want me to clarify
11 that, the sequence of events was that PECO cut down
12 approximately ten or 12 trees without me even being aware
13 that they were going to cut down trees. What one of the
14 supervisors proposed to me was in that I had two or three
15 other dead trees in the back of my yard that if he was to
16 go downtown and propose a financial compensation for
17 cutting the trees down, he said you will be in the courts
18 with us for years and never get a dime; to expedite this
19 thing, I am suggesting that, geez, you know those couple
20 of dead trees you have in your back yard, I will take
21 them down for you, how about we agree to that. I said I
22 would think about it.

23 The next thing I know, they came in and they took
24 them. So it was an expeditious way for the supervisor to
25 facilitate an error in coming on my property and cutting

1 my trees down. But I never agreed to that as being
2 compensation or calling it even.

3 Q. Was the wood cut into fireplace size?

4 A. It is still sitting back there and I would
5 categorize it as fireplace size. Your Honor is welcome
6 to come back. What he is proposing as fireplace size
7 will give you a clear indication of the
8 misrepresentations that they will provide you all day
9 long.

10 MR. BONNEY: Your Honor, I would like to show the
11 witness a document.

12 JUDGE SMOLEN: Yes, go ahead.

13 BY MR. BONNEY:

14 Q. Have you seen this document before?

15 A. No, I have not.

16 Q. Is this your wife's signature?

17 A. This is -- my wife is sitting home with two
18 children --

19 Q. I asked is that your wife's signature.

20 A. That is my wife's signature.

21 Q. Does this read, "The following work is promised
22 with the approval of Robert and Jill Small, 15 Wychwood
23 Lane, Langhorne, Pennsylvania?"

24 MR. SUGARMAN: I object to this, Your Honor. The
25 witness has testified he never saw the document before.

1 JUDGE SMOLEN: He identified his wife's signature.

2 MR. SUGARMAN: He identified his wife's signature
3 but that is not authentication of the document as far as
4 this witness is concerned.

5 JUDGE SMOLEN: It is authentication of the document
6 if he is familiar with the wife's signature.

7 THE WITNESS: I didn't say it was identification of
8 the document.

9 JUDGE SMOLEN: Just a moment. You have an attorney
10 here and your attorney will speak. You will have an
11 opportunity to speak.

12 MR. SUGARMAN: Your Honor, the fact that the
13 witness can identify his wife's signature does not lead
14 to authentication of the document but only to
15 authentication of the signature. It in no way qualifies
16 the document as such.

17 I mean, it's like saying do I recognize Your
18 Honor's signature; therefore I can introduce any document
19 Your Honor has ever signed without regard to the fact
20 that you have never seen it. That is way beyond the
21 rules of evidence.

22 JUDGE SMOLEN: Mr. Bonney.

23 MR. BONNEY: Your Honor --

24 THE WITNESS: I can verify or I can represent that
25 that is my wife's signature, but I don't know what went

1 on this paper first.

2 MR. BONNEY: Your Honor, there is a document --

3 THE WITNESS: There is a drawing of our home and
4 then there is verbiage that someone other than my wife
5 has put on there.

6 MR. BONNEY: Your Honor, I would like to show you
7 the document.

8 JUDGE SMOLEN: Do you want to mark it for
9 identification?

10 MR. BONNEY: I will mark it as PECO
11 Cross-Examination Exhibit No. 1, or ask that it be marked
12 as such.

13 JUDGE SMOLEN: It is so marked.

14 (Whereupon, the photograph was marked
15 as PECO Cross-Exam. Exhibit No. 1
for identification.)

16 MR. BONNEY: Your Honor, I think as you pointed
17 out, he has identified his wife's signature. I think
18 that is : sufficient.

19 JUDGE SMOLEN: If you have no further questions
20 about it, then go on to your next question.

21 MR. BONNEY: Okay.

22 (Pause.)

23 MR. BONNEY: That's all I have for this witness,
24 Your Honor.

25 MS. KNANWALKAR: I have nothing, Your Honor.

1 MS. BURKET: No questions, Your Honor.

2 MS. McCLOSKEY: I have no questions, Your Honor.

3 JUDGE SMOLEN: Mr. Sugarman.

4 REDIRECT EXAMINATION

5 BY MR. SUGARMAN:

6 Q. I asked you before, Mr. Small, but in view of
7 Mr. Bonney's questions I want to ask you more
8 specifically, have you ever been approached by PECO, by
9 anybody identifying themselves as a real estate
10 acquisition agent of PECO?

11 A. No.

12 MR. BONNEY: Objection, Your Honor. That is beyond
13 the scope of cross-examination.

14 JUDGE SMOLEN: He answered no. The answer is
15 already on the record.

16 BY MR. SUGARMAN:

17 Q. Did you ever authorize your wife to act as your
18 agent in respect to any document submitted by PECO?

19 A. She does not have that authority.

20 MR. SUGARMAN: I have no further questions -- oh,
21 one more question.

22 BY MR. SUGARMAN:

23 Q. Are you on the title of that property?

24 A. Yes, I am.

25 MR. SUGARMAN: No further questions.

1 MR. BONNEY: Nothing further, Your Honor.

2 JUDGE SMOLEN: Anything further of the witness?

3 (No audible response.)

4 JUDGE SMOLEN: The witness is excused. Thank you
5 very much for appearing and testifying.

6 (Witness excused.)

7 JUDGE SMOLEN: Are there any further witnesses?

8 MR. SUGARMAN: There are no further witnesses at
9 this time, Your Honor.

10 JUDGE SMOLEN: We have some exhibits which have
11 been marked for identification but not offered.

12 MR. SUGARMAN: Yes. We have Exhibit P-2, which is
13 the excerpts from the California study which was referred
14 to by Chairman Smith.

15 JUDGE SMOLEN: And you have some pictures.

16 MR. SUGARMAN: P-3, 4, 5 and 6.

17 JUDGE SMOLEN: You are offering those?

18 MR. SUGARMAN: I am offering them.

19 JUDGE SMOLEN: Any problems?

20 MR. BONNEY: I have no objection with respect to
21 the photographs. I would just reiterate my objections
22 with respect to the document. First of all, it is not a
23 complete document. It is just a portion of a document.
24 The witness was not qualified as an expert to talk about
25 the document. There is no one presented to sponsor the

1 document. They have expert witnesses, the Protestants
2 do, who are going to be talking about E/MF. And finally,
3 this document was not provided in advance in response to
4 the interrogatory.

5 JUDGE SMOLEN: I want to ask again the purpose for
6 Exhibit 2. Is it for the truth of the facts set forth
7 therein or does it go to the reaction of your witnesses
8 to create concern, whether these facts are true or not?

9 MR. SUGARMAN: The latter, Your Honor.

10 JUDGE SMOLEN: Under those circumstances, I am
11 going to receive Protestant's Exhibits 2 through 6
12 inclusive.

13 (Whereupon, the documents marked as
14 Protestant's Exhibits Nos. 2 through
15 6 were received in evidence.)

16 JUDGE SMOLEN: I think you have one outstanding.

17 MR. BONNEY: Yes. I would move for the admission
18 of PECO Cross-Examination Exhibit No. 1.

19 MR. SUGARMAN: I object to that. It's not
20 authenticated.

21 JUDGE SMOLEN: I am going to receive it as a
22 document. The witness testified that he did not
23 authorize his wife to sign it on his behalf. So I will
24 accept it as an exhibit for what it is worth.

25 (Whereupon, the document marked as
PECO Cross-exam. Exhibit No. 1
was received in evidence.)

1 MR. SUGARMAN: Your Honor, as the witness said, we
2 don't know what was on that document when she signed it.
3 He is not identifying the document, only the signature.

4 JUDGE SMOLEN: You have a right, if you want to, to
5 have Mrs. Small to come in --

6 MR. SUGARMAN: All right.

7 JUDGE SMOLEN: -- To counteract any effect that
8 this exhibit may have on the evidence in this case.

9 Are there any other public witnesses to be heard?
10 Anyone in the audience, in the hearing room today, who
11 wants to be heard?

12 MR. SUGARMAN: Your Honor, I have a number of
13 witnesses, public witnesses, who could not be here today.
14 I thought we would have a full day today without them.
15 And so I planned for them to come on another occasion,
16 whenever the Commission would be able to fit them in.

17 JUDGE SMOLEN: You have expressed that on the
18 record. Let's go off the record for a moment.

19 (Discussion off the record.)

20 JUDGE SMOLEN: Back on the record.

21 At an off the record discussion we have modified
22 our procedural hearing schedule as follows: September 19
23 and 20 will remain the same, except that on the 19th of
24 September OCA's witnesses will be presented for
25 cross-examination and if that carries over to the 20th,

1 it will carry over to the 20th.

2 In addition, on September 20, Mr. Sugarman will
3 have an opportunity to present the balance of any public
4 witnesses he may desire to present.

5 On September 26, which was an original hearing
6 date, that will be now reserved for cross-examination by
7 all parties of witnesses Liboff and Turner. That may
8 carry over to October 2, of Mr. Turner, or Professor
9 Turner, or Dr. Turner, and Dr. McCloud.

10 A new date of October 11 is being set aside for
11 oral rebuttal by PECO and intervenors, and that may carry
12 over to October 15. So it is October 11 and October 15.

13 And finally, October 29, surrebuttal by
14 Mr. Sugarman.

15 MS. McCLOSKEY: And possibly the OCA.

16 JUDGE SMOLEN: And possibly the OCA.

17 Is it now stated correctly of record?

18 MR. BONNEY: Subject to checking the availability
19 of --

20 JUDGE SMOLEN: Subject to the checking the
21 availability of the various expert witnesses and the
22 availability of the Administrative Law Judge.

23 Anything further today?

24 MR. BONNEY: Yes, Your Honor.

25 JUDGE SMOLEN: There is something further?

1 MR. BONNEY: Yes. I would just like to put on the
2 record that in response to Mr. Liboff's testimony we
3 intend to call two additional witnesses, Richard Bachman,
4 and Murray Rosenberg. We have statements of their
5 credentials.

6 JUDGE SMOLEN: That would be on your rebuttal?

7 MR. BONNEY: Yes.

8 JUDGE SMOLEN: All right.

9 MR. BONNEY: In addition to the witnesses we have
10 previously identified to the other parties. We have
11 supplemental answers to interrogatories describing their
12 background which we will distribute to the other parties
13 today.

14 JUDGE SMOLEN: All right. Anything else?

15 MR. BONNEY: Yes, Your Honor.

16 I have a question about discovery. In particular,
17 we had asked for, among other things, a list of the prior
18 proceedings in which the opposing party witnesses had
19 presented testimony. And we asked this in June, along
20 with the identification of the witnesses. We have
21 received answers from the Office of Consumer Advocate.
22 However, I have not yet received answers from the
23 Protestants.

24 I have not filed a motion to compel --

25 JUDGE SMOLEN: Let's see if we can work it out

1 here. Any problems in getting that information?

2 MR. SUGARMAN: I have been working on it, Your
3 Honor, and Dr. Liboff told me that he is -- well, he gave
4 me orally as much as he has, by way of his prior
5 proceedings. I have put them on a piece of paper to
6 deliver to Mr. Bonney and it was being typed today.

7 JUDGE SMOLEN: All right.

8 MR. SUGARMAN: It's not -- how to put it -- they
9 are not names of proceedings. It is places and dates and
10 to a certain extent, parties. I am going to give that to
11 Mr. Bonney and I am going to try to develop additional
12 information. Dr. Liboff just doesn't keep that
13 information. He said he has never been asked to provide
14 it before and it is not available.

15 JUDGE SMOLEN: Well, that is the way you should
16 answer it then.

17 MR. SUGARMAN: I will provide as much as exists and
18 I will continue to make an effort.

19 MR. BONNEY: One of the reasons I mention it is
20 because of the relatively long response time with respect
21 to these what I consider to be somewhat simple questions
22 suggests that we may encounter some difficulty in further
23 discovery. And I just point out that we expect to be
24 serving shortly or maybe even today extensive discovery
25 interrogatories with respect to Dr. Liboff's testimony.

1 JUDGE SMOLEN: Well, they have to be answered. You
2 know, we have rules that we have to follow. I understand
3 that you've got some problems, that your witnesses are
4 out of town. Nevertheless, we have rules.

5 MR. SUGARMAN: We will answer them. We will answer
6 them or object to them as appropriate.

7 JUDGE SMOLEN: And I will rule as the parties
8 argue. Whatever the merits are, we will make a ruling.

9 Anything further? Mr. Bonney, I am waiting for a
10 negative answer.

11 MR. BONNEY: Nothing further, Your Honor.

12 JUDGE SMOLEN: Any other Counsel?

13 MS. KHANWALKAR: Nothing, Your Honor.

14 MS. BURKET: No, Your Honor.

15 MS. McCLOSKEY: No, Your Honor.

16 MR. SUGARMAN: Nothing.

17 JUDGE SMOLEN: In that case we will adjourn today's
18 session. We will see you all on the 19th. Thank you all
19 very much for appearing today.

20 MR. SUGARMAN: Thank you, Your Honor.

21 (Whereupon, at 4:05 p.m., the hearing was
22 adjourned, to be reconvened on Thursday, September 19,
23 1991, in Philadelphia, Pennsylvania.)
24
25

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Public Utilities Commission
Environmental and Energy Advisory Branch
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San Francisco, CA 94102



Protestas EOL #2
A-110554 FOSS
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REPORT
TO THE CALIFORNIA STATE LEGISLATURE

BY

THE CALIFORNIA PUBLIC UTILITIES
COMMISSION

IN COOPERATION WITH

THE CALIFORNIA DEPARTMENT OF
HEALTH SERVICES

POTENTIAL HEALTH EFFECTS OF
ELECTRIC AND MAGNETIC FIELDS
FROM ELECTRIC POWER FACILITIES

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September 15, 1989

Public Utility Commission

POOR ORIGINAL

REPORT TO THE CALIFORNIA STATE LEGISLATURE

BY

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POTENTIAL HEALTH EFFECTS OF ELECTRIC AND MAGNETIC FIELDS
FROM ELECTRIC POWER FACILITIES

September 15, 1989

This report has been prepared for the California State Legislature in response to SB 2519 (Ch. 1551), Section 2. The report covers present scientific knowledge of potential health effects related to electric and magnetic fields from electric power facilities. The report also identifies the studies to be funded by SB 2519 and recommends additional high-priority research in this area.

EXECUTIVE SUMMARY

Introduction

On September 29, 1988 the California State Legislature passed Senate Bill 2519, Chapter 1551 (Rosenthal), calling for the California Public Utilities Commission (CPUC) and the State Department of Health Services (DHS) to jointly conduct a study of the potential health effects associated with exposure to electric and magnetic fields from electric utility facilities. This report is being submitted to the Legislature as the first in a series of steps called for by SB 2519 in California's effort to respond to increasing concern among scientists, health and regulatory agencies, industry, local planning departments, and the public that human exposure to these fields may pose significant health risks. SB 2519 is intended to provide an improved scientific basis for determining whether or not this is the case, and if so, whether and what legislation is needed to reduce this risk.

This report covers research findings suggesting links between electric and magnetic fields from electric power facilities and a variety of possible health effects, including cancer, leukemia, behavioral disorders, and reproductive failure. Current scientific knowledge in this area is reviewed and high-priority research needs are identified and described.

SB 2519 provides for \$2 million to be collected from California utilities, and for these funds to support the highest-priority research projects identified in this report. DHS is responsible for designing and managing this research program, subject to the overall coordination of the CPUC.

As required by the bill, a report on the status of this research program, any additional research funding needs beyond those satisfied by SB 2519, and any recommendations on legislation to limit exposure to electric and magnetic fields from electric utility facilities will be submitted to the Legislature in late 1990.

Three research projects have been selected for funding by SB 2519 monies, with the advice of a panel assembled by DHS of qualified experts in the relevant scientific disciplines. While these projects will substantially improve our knowledge, they cannot be expected to satisfactorily resolve all of the questions pertaining to the potential for health effects from electric and magnetic fields that have been identified by the scientific and regulatory communities. Timely resolution of these questions will require a much greater research commitment from the federal and state governments and the electric power industry.

This report was originally ordered for March 15, 1989. The final due date was extended to September 15, 1989 to allow for public

comment meetings after publication of the draft report. The draft report was submitted to public entities, the State Energy Resources Conservation and Development Commission, the electric utility industry, public interest groups, and by newspaper notice to the general public. Information on work sponsored by other states, by the federal government, by foreign governments, and by academia are contained in the various contractors reports.

Key Findings

SB 2519 calls for this report to present findings on the following matters:

- (1) A description of any higher incidence of leukemia or other cancers experienced by children who reside or attend school in close proximity to electrical utility facilities.
- (2) A description of any increased incidence of cancer for workers employed by electrical utilities.
- (3) A comprehensive description of cancer or other medical risks determined to be associated with exposure to electric and magnetic fields caused by electric utility facilities, and a summary and bibliography of relevant completed and ongoing studies.

The contractors' reports in Part Two of this report collectively respond to these directives. Below are the summarized findings with respect to these directives:

1. Any higher incidence of cancer among children residing or attending school near electric utility facilities. Two epidemiological studies in the Denver, Colorado area have confirmed an association between childhood cancer and above-average magnetic fields from utility power lines adjacent to the cancer victims' homes. Both studies indicate that these fields may be responsible for creating a two-fold higher rate of childhood cancer (principally leukemia) than experienced by children in general. If true, this would translate to 10-15% of all childhood cancer cases, which affect roughly one child in 10,000 per year. However, it is not yet known with certainty that the magnetic fields are in fact responsible for the increased incidence of cancers observed; it is possible that some other factor, as yet unaccounted for in the studies, is the true cause of the additional cancers. No studies have yet been performed looking for any higher rates of childhood cancer among children attending school near electric utility facilities.
2. Any increased incidence of cancer among workers employed by electric utilities. At least eleven studies have been done examining the association between cancers and occupations (such as electricians and telephone and electric line workers) which would be expected to be exposed to high levels of electric and magnetic fields. Many of these studies showed

elevated rates of selected cancers. A combined study of all eleven of these studies revealed a modest excess risk of people in exposed occupations for acute leukemia and acute myelogenous leukemia. A limitation of these studies, however, is that they did not consider whether other variables, including exposures to things besides power-line fields, may account for the observed increases in cancer rates. Nevertheless, the findings are cause for concern.

3. Cancer or other medical risks associated with exposure to electric and magnetic fields. A variety of possible medical risks, including cancer risks, can be inferred from cellular and whole-animal studies. Careful, technically sound scientific studies have clearly demonstrated that electric and magnetic fields at power-line frequencies cause a variety of biological effects, both in cellular experiments and in whole animal experiments. Effects found at the cellular level can be related to possible effects on such things as immune processes, certain psychological processes, and cancer promotion. Results of experiments on whole animals suggest possible effects on reproduction, learning and behavior, and alterations in biological rhythms, among others. It is not yet known, however, whether the biological effects observed in cells and animals thus far are precursors to adverse health effects in humans.

Pursuant to directive (1) above, summaries and bibliographies of all completed and ongoing research projects and studies are provided in Part Two in the bodies of the eight contractors' reports and Part Three, which contains a description of the research program of the Electric Power Research Institute. These include those projects undertaken by the federal government, other states, academic institutions, and the electric utility industry, that are identified by the CPUC and DHS as being associated with cancer or other medical risks which may be related to exposure to electromagnetic fields.

Taken together, the body of scientific evidence for electric and magnetic fields posing a significant health risk is not yet compelling, but it is worrisome. On one hand, the epidemiological studies in Denver do not establish a causal connection between power-frequency magnetic fields and childhood cancer. On the other hand, however, scientists have not yet been able to propose a credible candidate other than magnetic fields that explain the Denver study results. In the case of the laboratory evidence to date, the variety of biological effects observed and the possible linkages of many of them with serious adverse health effects only heightens the concern that exposure to electric and magnetic fields may pose significant health risks.

Research Recommendations

In accordance with SB 2519 the CPUC and DHS have identified a number of high-priority research projects that still need to be

undertaken to identify health risks which may be associated with exposure to power-line electric and magnetic fields. Of these projects, three have been selected for funding under SB 2519. They are:

1. Detailed new measurement of the electric and magnetic fields at homes identified in the second of the two epidemiological studies showing association between above-average magnetic fields and increased rates of childhood leukemia;
2. A study of possible relationships between various electric and magnetic field exposures and spontaneous abortion;
3. A study of the possible relationships of possible relationships between various electric and magnetic field exposures and childhood brain cancer.

The selection criteria used to identify these studies responded to the directive of SB 2519 to coordinate its research efforts with ongoing projects of other entities and to secure funding from other sources to supplement the State's research efforts. There are numerous additional high-priority research needs which go beyond the \$2 million budget afforded by SB 2519; these research needs are described in the contractors' reports in Part Two, and are summarized in Part One.

Regulatory Recommendations

It is recommended that California take no action at the present to regulate electric and magnetic fields around electric power facilities. Any such actions are premature given current scientific understanding of this public health issue. Too little is known presently to be able to determine where or what rules would provide useful protection. Existing research data are not sufficient for adequate accurate risk assessment. We do not know which components, if any, of electric power utility operations pose significant health hazards. Although biological effects are clearly established, the relationship of these effects to possible public health risks is not yet established.

While it is premature to regulate power-line fields, there are a number of other recommendations which, if carefully and responsibly implemented, would follow and extend the mandate of SB 2519. They are:

1. Pursue engineering/regulatory mitigation research in parallel with the scientific research funded by SB 2519.
2. Pursue additional scientific research beyond that funded by SB 2519.
3. Conduct an educational needs survey as a first step in developing necessary knowledge within state and local agencies to respond to public inquiries and to do educational outreach.

4. Consider options including state certification for conducting field measurements in and around homes, schools, etc. as they are requested by various parties.
5. If the state or a coalition of states intend to support further research in this area, it should be a targeted program guided by a board of scientific advisers with the appropriate range of expertise.
6. Support coordinated interstate research and regulatory approach to problem. The National Association of Regulatory Utility Commissioners is a natural vehicle for coordinating such an approach.
7. Consider a state-wide exposure assessment program to determine who is being exposed to what levels and kinds of fields--from transmission lines, substations, generating plants, and distribution lines.
8. Get other agencies involved, including the California Energy Commission, the Department of Education, the State Lands Commission, and local health agencies. Involvement would include identification of concerns and of potential contributions to any future regulatory actions.
9. Conduct scenario analyses to evaluate health, economic, and legal implications of various mitigation options.
10. Establish a continuing interagency and citizens' group task-force to facilitate coordinated state-wide effort.
11. Continuing research should address concerns about the possibility of additive or synergistic effects of ~~low-frequencies~~ extremely PFFs, electromagnetic fields of higher frequencies, and other environmental stressors.

TIME PLOT OF TOTAL FIELD MAXIMUM SPACIAL COMPONENT

Mean: 19.17 mg
 Max. Dev.: 24.41 mg
 Standard Dev.: 3.26 mg

Freq: 60.0 Hz
 Date: 1-22-07 TO 1-30-07

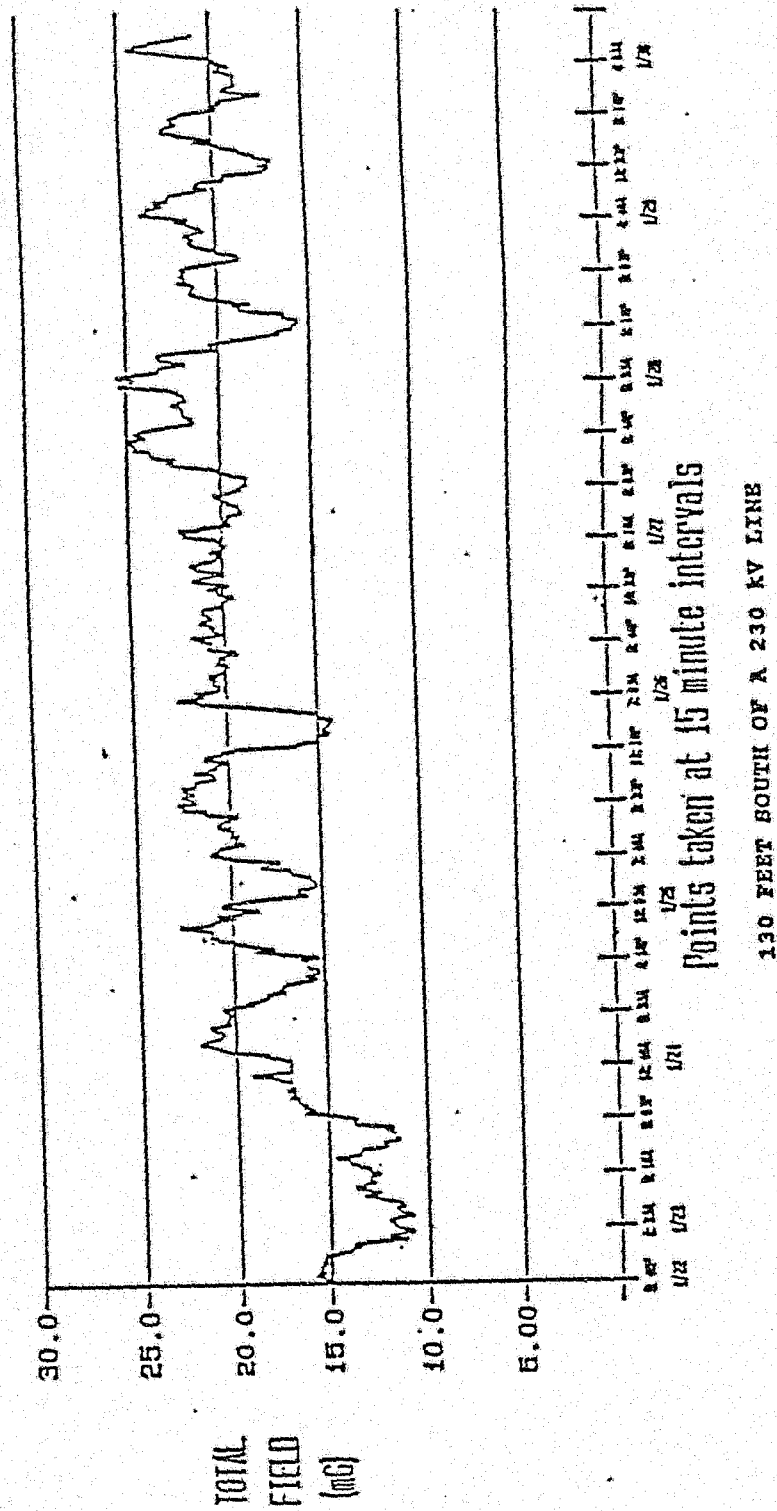


Figure A.6 Weekly fluctuation in magnetic field strength near a 230 kv line in winter.

Addressing the Possible Health Effects of 50-60 Hz
Electric and Magnetic Fields from Electric Power
Lines: A Critical Review of the Epidemiologic Literature and
Recommendations for Future Epidemiologic Research

Prepared for the
CALIFORNIA PUBLIC UTILITIES COMMISSION

By:
DR. JOHN M. PETERS

As partial fulfillment of the Commission's requirements under SB
2519.

- c. Sources of 60 Hz Magnetic Fields in Residential areas (see Appendix 1g).
- d. Electric and magnetic field exposure associated with electric blankets (see Appendix 1h).
- e. National study of magnetic field characteristics and sources (see Appendix 1i).
- f. Magnetic field exposure assessment for telephone company employees (see Appendix 1j).

IV. DISCUSSION

The epidemiologic studies reviewed here raise important questions about the possibility of a relation between 50-60-Hz electric and magnetic fields and significant health effects in humans. The case for causality is weakened largely by a shortage of actual measurements of exposure (although this weakness has been partially redressed by recent studies of exposure), biologic plausibility is uncertain, and consistency is variable. In addition, individual studies can be criticized on study design, data base, and analysis. There is an unquestioned need for more specific investigations with an emphasis on exposure assessment and specific outcomes.

The possibility that either community exposure to 50-60-Hz electric or magnetic fields is associated with cancer, especially in children, cannot be disregarded and should be seriously considered given the present data, particularly in view of the fact that controls are also exposed to some level of electric and magnetic fields. This, of course reduces the chances of finding real risks. The reported associations are moderately strong with the proper temporal relation between exposure and effect. However, the shortage of exposure measurements, low specificity in exposure classifications and disease outcome, and other potential confounding exposure factors may account for the observed findings. Plausible hypotheses that are alternatives to community 50-60-Hz magnetic fields being associated with cancer

**Addressing the Possible Human Health Effects
of Electric and Magnetic Fields from
Electric Power Lines: A Critical Evaluation of
Laboratory Data and Biophysical Models**

Prepared for the
CALIFORNIA PUBLIC UTILITIES COMMISSION

By:
Asher R. Sheppard, Ph.D.
April 27, 1989

As partial fulfillment of the Commission's requirements under SB 2519.

Ex.14. Summary

Although there are no certain links between disease in human beings and exposure to extremely low frequency (ELF) electric and magnetic fields, there is evidence to believe that ELF fields may be a factor in cancer, birth defects, and other organic dysfunctions. There is also laboratory evidence for effects on diverse systems. These occur in a number of different experiments, indicating that effects occur for many combinations of frequency, field strength, and exposure duration, despite the fact that individual phenomena sometimes occur only for particular combinations of frequency and field strength ("windows").

The relation of laboratory conditions to exposures of human populations is uncertain. There is a large gap between laboratory studies with magnetic fields and the environmental fields implicated in childhood leukemia and other cancer. There is a 100- or 1000-fold ratio between most laboratory magnetic field levels (10^{-4} T, or 1 gauss) and environmental levels (about 10^{-7} T, 1 milligauss). ELF field effects on cellular processes, such as enzyme activation, protein synthesis and mitotic rate, may constitute evidence for epigenetic mechanisms that relate cancer to ELF field exposures.

Improved understanding of biological, biochemical and biophysical mechanisms is needed to be able to say whether there is a biological mechanism by which the incidence of diseases such as cancer can be augmented by 60-Hz or other ELF fields. Theoretical tools need to be developed for a better understanding of field effects at all levels, from cells to whole animals. There is a need to expand work on current models such as the ion cyclotron model, which matches well several laboratory demonstrations of resonant responses, but contradicts well-established physical concepts.

This report describes the incomplete state of knowledge about the biological effects of field effects. The field effects found in laboratory studies are set against a background of inconclusive evidence from epidemiological studies. Too little is known about field effects on cells and effects in the whole animal to conclude that there is a causal connection between ELF fields and disease. Too much is known about effects on important biological functions to ignore the possibility that harmful health effects may occur. More research is needed to decide if the biological interactions with ELF fields are only interesting laboratory phenomena or are the signature of a widespread environmental health problem.

Addressing the Possible Human Health Effects of Electric and
Magnetic Fields from Electric Power Lines: A Critical
Evaluation of Studies of Circadian Rhythm Effects in Humans
and Animals

Prepared for the
CALIFORNIA PUBLIC UTILITIES COMMISSION

By:
Kenneth R. Groh

As partial fulfillment of the Commission's requirements under
SB 2519

I. EXECUTIVE SUMMARY

Significant biological effects of exposure to electromagnetic power frequency fields (50 & 60 Hz, EMF) have been reported over a wide range of field strengths. In sharp contrast to ionizing radiation, non-ionizing energy levels are not sufficient to break chemical bonds or create ions. Instead, a primary result of nonionizing EMF field exposure is the alteration of normal chronobiological rhythms. The 24-h (circadian) rhythms of, e.g., animal activity, body temperature, respiration, and neurotransmitter concentrations in the brain are modified, with different degrees of potential positive and negative effects.

Electric Field Effects

Perception of 60-Hz electric fields in mammals occurs between 1-10 kV/m. The majority of established circadian effects occur at exposure intensities in this range (when scaling factors between species are taken into consideration) and would impact relatively small numbers of the general human population unless they spent extended amounts of time in a transmission line right-of-way or were members of special occupational groups, such as transmission line repairmen or welders. However, preliminary information suggests that electric blanket EMF exposure causes circadian effects such as low birth weights, reduced pineal function, and phase-shifted human menstrual cycles. If confirmed, these findings will significantly increase the concern over electric field exposure.

Phase shifts appear the most significant circadian effects of electric field exposure. Circadian phase shifts have been linked to jet lag, shift-work performance, depression, sleep-wake disorders, suicide, and other psychoses (Wilson, 1988; Wehr et al., 1979, 1983).

Sixty-Hz electric fields have been shown to cause a definite, reversible circadian dark (active) phase decrease in melatonin and serotonin-N-acetyltransferase (SNAT) concentration in rat pineal glands after long, continuous exposures of about one month. These changes have been linked to neurological disorders such as depression and changes in sexual maturation patterns. Other neurological impacts of electric field exposure have been superficially investigated, showing that electric fields also

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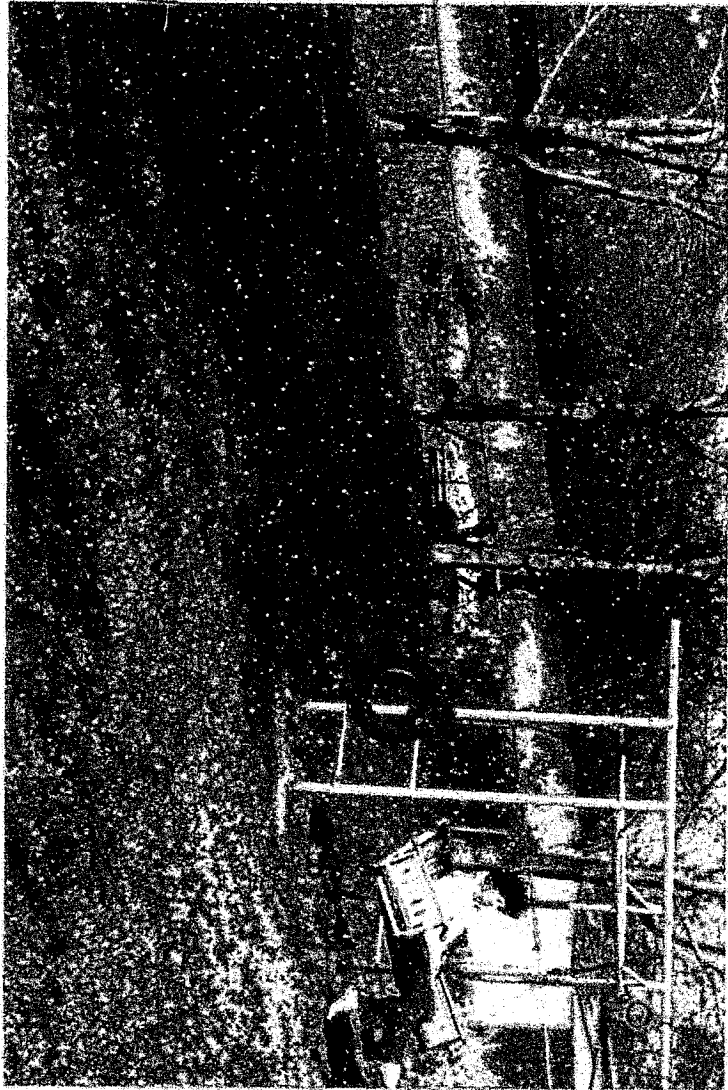
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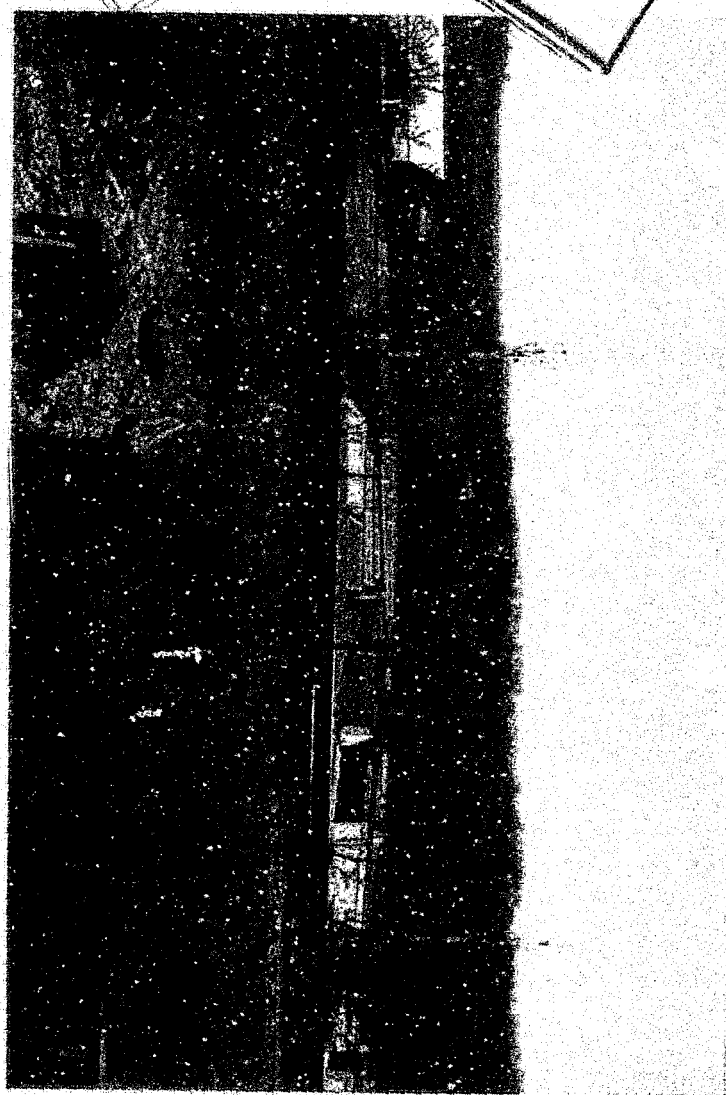
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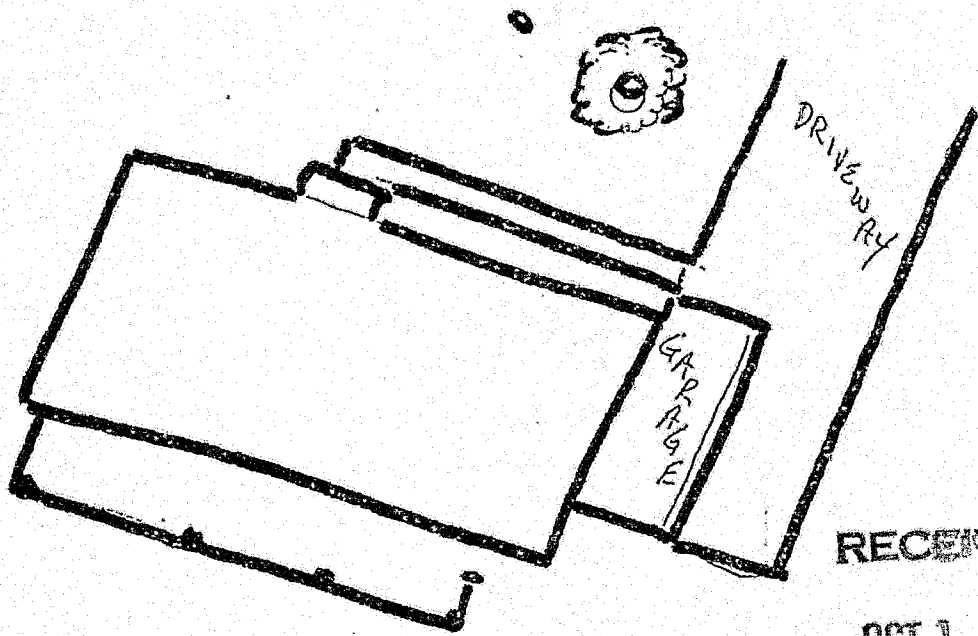
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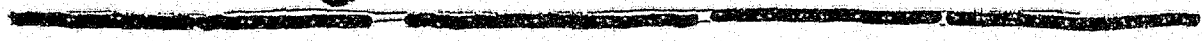
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Jill S Small