

William Jacobs
2201 Hendricks Rd
Pennsburg, PA 18073

September 18, 2021

DATE OF DEPOSIT

SEP 22 2021

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

Re: William Jacobs v. PPL Electric Utilities Corporation
Docket No. C-2021-3027892

Dear Secretary Chiavetta:

Enclosed you will find my response to the Answer & New Matter by Nicholas Stobbe, who represents PPL.

William Jacobs

Please forgive me for not knowing the legal procedures that are routinely followed. I am not educated in this manner but will do my imperfect best to represent myself, in order to protect my family and neighbors and constituents. Following is my response to the "New Matter" which apparently is all of my complaint in paragraphs 1 – 10.

I will not be able to copy on paper all of my references to studies and data since it is simply too much. However, since you all have internet, I can refer you to many valuable sites where you can read for yourself without me sending paper copies of everything.

Lastly, before I begin, please take the time to place my hat on your head, to step into my shoes, to think of the basic family protection that any man would do for his wife, children, grandchildren, and future generations. I am a devout Christian and a Patriot. We love God and love our country. We hold dearly the Constitution and the Bill of Rights.

I will number each response.

#1. On page 3 of P&S (Post & Schell) response , first paragraph, you will find "The rights, covenants, and obligations under the 1927 Agreement ... Complainant, as the assignee, is bound by the terms and conditions of the 1927 Agreement." In response, I claim that it is not just **MY** being bound by the Agreement, rather **PPL is also bound by it**. Isn't this true? So, go to your copy of this Agreement and read the hand written section regarding destruction of crops. PPL is bound by this Agreement and must pay for crops that are ruined. With the application of herbicides, the soil is not useful for 30 years to be organic. Thus, PPL would have to pay for 30 years of lost crops. In addition, it will be hard to put a price on this next thing, but I will also need reimbursed for 30 years of crop management enjoyment, family use of trails, valuable family learning and experience together. This may not seem important to you, but we spend 9 months per year gardening and foraging many crops such as grapes, blueberries, blackberries, pears, wild strawberries, and of course the garden vegetables ranging from tomato varieties, potato varieties, kale, lettuces, beans, variety of squashes, Swiss chard, cucumbers, okra, variety of hot peppers, variety of bell peppers, just to mention a few. And as I said, it is not just a matter of saving money, but eating food within a day or two after being picked is known to be healthy eating, and the mental satisfaction of accomplishing this for ourselves, and the serenity every morning of working the garden, all of these come into play. Placing a price on all of these will be difficult, but I will do it if necessary. Once again I am asking that you think with my hat on your head.

#2. On page 3, second paragraph, it reads "Under the 1927 Agreement, PPL has 'the right to construct, operate..." ' My response to that statement is that the R.O.W. permits maintenance by PPL, **NOT poisoning my land, my crops, my well, and my people**. See the following ruling:

Section 1501 of the Pennsylvania Code states, in pertinent part: "Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as

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shall be necessary or proper for the accommodation, convenience, and **safety of its patrons**, employees, and the public.” 66 Pa.C.S. § 1501.

#3. Again on page 3, paragraph 2, it reads “the Commission lacks jurisdiction over a private agreement between a public utility and a landowner that is unrelated to utility service ...”. Here is my response: “[I]n order for the [Commission] to sustain a complaint brought under [Section 1501 of the Code] the utility **must be in violation of its duty** under that section. Without such violation by the utility, the [Commission] does not have the authority, when acting on a customer’s complaint, to require any action by the utility.” *W. Penn Power Co., v. Pa. Pub. Util. Comm’n*, 478 A.2d 716 (Pa. Cmwlth. 1984). **However, there is no such restriction on the Commission’s authority when considering a petition for relief.** 52 Pa.C.S. § 5.41.

Vegetation management services provided by an electric utility company fall within the [Code’s] definition of service. **Utility service is not confined to the distribution of electrical energy, but includes any and all acts related to that function.** 66 Pa.C.S. § 102.

#4. Again, on page 3, last paragraph, it reads “PPL denies that its application would pose a safety concern, such as contaminating wells, ...”. My response is as follows: Following is an analysis of my issue with PPL, by an attorney: The Jacobs’ current issue with PPL Electric is not one of first impression; in fact, *W. Penn Power Co.* presents a nearly identical scenario. In *W. Penn Power Co.*, the Complainant requested that the Commission “order [FirstEnergy] not to spray the power line [abutting the property] as long as the wells are [my] only source of water.” *W. Penn Power Co.*, 478 A.2d at 717. Here, Mr. Jacobs has raised health concerns and has stated that his agriculture is at risk. In *W. Penn Power Co.*, the Complainant first filed pursuant to Section 1501 which the Commission converted to a request for relief. *Id.* at 717. The Commission concluded:

“ We believe that the use of herbicides, which are by their very nature hazardous, can be properly used in some circumstances. However, in the present case, the Complainant has established that his circumstances require more care in choosing and applying vegetation management methods than many other landowners’ circumstances. *Id.*”

Accordingly, the Commission ordered FirstEnergy to forgo using the herbicides in the ro-w of the Complainant’s property absent his permission. *Id.* Although FirstEnergy did not violate any provision of the Code, the Commission found relief to be the most equitable result. *Id.* Therefore, Mr. Jacobs, should initially file a request for relief directly to the Commission.

More research follows here on the dangers of pesticide use, such as this one from the American Association for Cancer Research on lymphoma: NHL4 has been epidemiologically associated with farming (1, 2, 3, 4, 5, 6, 7, 8) , with certain farm practices (9) , with pesticide exposure (10, 11, 12, 13) , and with certain other occupations (14, 15, 16, 17) . The term pesticide is used to denote a wide variety of chemicals used to destroy weeds (herbicides), insects (insecticides), and mold (fungicides). Such chemicals are widely used in agriculture, horticulture, and forestry, and in the secondary processing of the products of these primary industries. (Find much more on their study at <https://cebp.aacrjournals.org/content/10/11/1155>.) Another long list of

studies is at this site, more in laymen terms, and contains much valuable information:
<https://lymphomahelp.org/documents/pesticides.pdf> You can spend a lot of time learning here.

Another interesting and revealing newsletter:

<https://www.cancerdefeated.com/newsletters/Golfers-with-cancer-on-the-rise.html>

It is a simple conclusion on why golfers have a higher rate of cancer, isn't it?

Mr. Stobbe went on to state this: "PPL Electric only will use these herbicides in the ROW pursuant to their approved labeling and will take the appropriate precautions to help ensure that any wells in proximity to the transmission line ROW will be unaffected by the herbicides." My response is quite simple – you have NO WAY to ensure that the herbicide does not enter my well as well as neighbors. And just in case you were unaware of yet another fact, once it gets into a well, it can spread for many miles to other wells.

In the case of Robert M. Mattu v. West Penn Power Company C-2016-2547322, a case involving water contamination by pesticides, here is a portion of the ruling, which you may access on-line:

"In our July 2017 Order we were clear in our conclusion that, under the specific facts of the instant dispute, West Penn's application of herbicides as part of its vegetation management, would be unreasonable and, therefore, violate Section 1501 of the Code:

cases should be evaluated. Rather, we find that the totality of the circumstances here, in this specific case, is sufficient to grant the Complainant relief by directing West Penn Power to maintain its right-of-way where it crosses the Complainant's land by means which do not include the use of herbicides. Given this unique fact pattern, the use of herbicides would be unreasonable. Our decision in this case does not bar West Penn Power from utilizing other vegetation management methods including grinding tree stumps or assessing the vegetation growth within this right-of-way on a shorter time frame. We note that this is consistent with the methods used to maintain this portion of the right-of-way in past vegetation management cycles."

I wonder why Mr. Stobbe ignored my paragraph on RoundUp? It's a typical pesticide that was initially declared safe, but years later, guess what? It's a carcinogen. Bayer, makers of RoundUp, is currently settling 30,000 claims of users who became sick from the product. Roundup's \$2 billion plan to settle the case admitting that herbicide causes cancer. <https://www.reuters.com/business/healthcare-pharmaceuticals/us-judge-rejects-bayers-2-bln-deal-resolve-future-roundup-lawsuits-2021-05-26/>. Over 20 countries have banned Roundup, but herbicides with the same active ingredients (including Roundup) are still widely used throughout the U.S.

#5. On page 4, last paragraph, a reference to "unidentified oncologist" was made, much to my dismay. Read the following from my wife's oncologist:

On Wed, Sep 15, 2021 at 12:48 PM, Mark Simon

<msimon20@earthlink.net> wrote:

September 15, 2021

To whom it may concern,

As the Director of Nutritional Oncology Research Institute, I have been researching all potential causes of cancer. The general classification of pesticides which includes insecticides, fungicides and herbicides are all potential carcinogens. Herbicides, specifically, since applied around the home, playgrounds, golf courses, roadsides in addition to croplands poses a very high risk for triggering or promoting cancer. A large body of evidence has linked exposure to glyphosate and other herbicides to blood cancers such as lymphoma and leukemia. Cancer is not a genetic disease. It is largely caused by environmental factors that includes exposure to agricultural chemicals, antibiotic drugs, ionizing radiation, household chemicals, body care products and food additives. Smoking and excessive alcohol consumption are of course major factors for cancer risk but cancer arises in individuals who never smoked, and consumed very little if any alcohol.

Major ongoing lawsuits against Bayer which is the maker of Roundup are being successfully ligated and awards are going to lymphoma patients who have proven their exposure to this herbicide was the direct cause of their cancer.

Here are links to information on the cancer risks imposed by exposure to herbicides:

<https://www.regionalcancercare.org/news/cancer-types-lymphoma-weed-killer-and-non-hodgkins-lymphoma/>

<https://www.nature.com/articles/nature.2015.17181>

<https://www.bcpp.org/resource/pesticides-other/>

discussing herbicides and cancer risk:

<https://lymphomahelp.org/documents/pesticides.pdf>

Please consider your power and decision processes on applying herbicides and all agricultural chemicals in close proximity to residences, schools and other public places. These chemicals impose serious risks for causing cancer and creating an additional burden on those being treated for cancer.

Respectfully,

Mark Simon, Director
Nutritional Oncology Research Institute
www.nutritionaloncology.net
www.norinutraceuticals.com
www.howtostarvecancernaturally.com
www.antibioticwatchdog.com
800-634-3804

Here is a copy of the Hypersensitivity Application that was sent to the Department of Agriculture:

**Pennsylvania Department of Agriculture
Registry of Pesticide Hypersensitive Individuals
Application**



For Office Use Only

Initial Application (Parts I & II)

Directions: Part I & II of the application must be completed for the individual's name to be placed in the Registry. All information for each location you wish listed must be completed (all boxes) or the application will be returned. The "Alternate Telephone Number" is an individual willing to accept calls and forward information to you. Part II is not required for annual renewals.

Part I - To be completed by the Hypersensitive Individual

Renewal (Part I only)

I hereby request to have my name placed in the Pennsylvania Pesticide Hypersensitive Registry. I understand that the application information and the Hypersensitivity Registry are considered public documents and waive all rights to privacy pertaining to the information contained on this application or listed in the Pesticide Hypersensitivity Registry. I hereby give my permission to the Pennsylvania Department of Agriculture to publish this information and place it in full public view through printed and electronic media.

Mary M. Jacobs

9/16/21

*Signature (Parent or legal guardian must sign for minor child)

*Date

Please Print or Type Information

| | | | | | | | |
|--|--|--|-------------|--------------|-------------------------------|--------------------------------|---|
| *Name (Last) Jacobs | | (First) Mary | (M.I.) M | (Suffix) | Date of Birth 7/11/91 | *Male <input type="checkbox"/> | *Female <input checked="" type="checkbox"/> |
| *A. Primary Residence (Home) (Must be a street address) 2701 Hendricks Rd | | | | | *Mailing address if different | | |
| *City (Post Office) PENNsbury | | *Municipality (Twp. Boro or City) Marlborough Township | | *State PA | *Zip + 4 18073-2529 | | |
| *County MONTgomery | | *Telephone Numbers (Include Area Codes) (*Night) (*Day) 715-679-8339 same | | | (*Alternate) 610-533-1472 | | |
| E-mail Address (Optional) wdjacobs@comcast.net | | * Denotes Required Information | | | GPS Location (office use) | | |

Please complete the following for secondary locations that you would like to have listed in the Registry. These locations are limited to: Vacation Home, School (where you are a student), and place of employment.

| | | | | | | | |
|--|--|-------------|---------|---------------------------|--|--|--|
| B. Secondary Location - Street Address for Vacation Home | | | | City (Post Office) | | | |
| Municipality (Twp. Boro or City) | | State PA | Zip + 4 | County | | | |
| Your Telephone Numbers (if Different than A. above. Include Area Codes) (Day) (Night) (Alternate) | | | | GPS Location (office use) | | | |

The Medical Verification information on the back of this sheet must be completed for Initial applications only.

(Over)

(REV 5-03)

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| | | | |
|---|--------------------|----------------|----------------------------------|
| C. Secondary Location - Name and Street Address for School | | | City (Post Office) |
| Municipality (Twp. Boro or City) | State PA | Zip + 4 | County |
| Your Telephone Numbers (If Different than A. above. Include Area Codes) (Day) | | (Night) | (Alternate) |
| | | | GPS Location (office use) |

| | | | |
|---|--------------------|----------------|----------------------------------|
| D. Secondary Location - Name and Street Address for Employer | | | City (Post Office) |
| Municipality (Twp. Boro or City) | State PA | Zip + 4 | County |
| Your Telephone Numbers (If Different than A. above. Include Area Codes) (Day) | | (Night) | (Alternate) |
| | | | GPS Location (office use) |

Part II - Medical Verification. (Medical verification information must be completed by a Pennsylvania licensed medical doctor and is only required for initial application only.)

I certify that I am licensed to practice medicine in the Commonwealth of Pennsylvania and the above named individual is a patient of mine and has been evaluated as being hypersensitive to pesticide exposure thereto. I recommend that their name be placed in the registry of pesticide hypersensitive individuals.


9/16/21

| | | | | |
|--|---|-------------|-------------------|---------------------------------------|
| Physician's Signature | Please Print or Type Information | | | Date |
| Physician's Name (Last) Mueller | (First) Eric | (M.I.) D | M.D./D.O. D.O. | PA Medical License Number 05013777 |
| Office Address: City, State, Zip Code 1230 ⁵ Cedar Crest Blvd. Allentown, PA 18103 | | | | |
| Telephone 610-402-8050 | | | | |

Return the completed form to: PA Department of Agriculture
 Bureau of Plant Industry
 Division of Health and Safety
 2301 North Cameron St.
 Harrisburg, PA 17110-9408
 Phone 717-772-5231 Ext. 2

The doctor's name is hard to read, Eric Mueller.

#6. I don't even know how to address this one, but go to page 5 at the top which reads "not have sufficient information knowledge or information regarding how the Complainant uses his property and, therefore, denies the same." Not to be too disrespectful, but what are you saying here? That I don't raise crops or enjoy my garden? I am lost on how to address this statement. Maybe you should ask your representatives to tell you about my crops. (I won't be sending you any!)

Conclusion:

I built my home myself in 1976. I believe that PPL has come every 3 years to manage the tall vegetation by chainsaw technique. **PPL now wishes to save money by spraying dangerous herbicides that will ruin ALL of my crops and seriously endanger my family and especially my wife who is diagnosed with lymphoma.** Seems like a foolish thing to try to do to someone.

To sum up this response, in light of the following, I have provided sufficient evidence to support my request of relief:

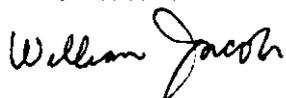
- 1927 R.O.W. Agreement, entered as evidence by Mr. Stobbe, which prohibits crop destruction
- Previous ruling in *Mattu v. W. Penn*
- Previous ruling in *W. Penn v. PUC*
- Section 1501 of the Pennsylvania Code regarding safety of its patrons
- Warning from oncologist Mark Simon regarding his patient (my wife)
- Hypersensitivity papers for my wife, that should prohibit PPL from spraying anywhere near our property
- Overwhelming evidence that herbicides cause cancer
- Protection of family, now and in generations to come
- The health of my wife, who is diagnosed with lymphoma

I still am amazed that any intelligent person involved with this case would challenge that herbicides don't get disseminated by wind drift and water runoff, or that PPL can ensure that the herbicides will not get into our wells. This is foolishly ignoring facts.

I am even more amazed at callous responses from those representing PPL. Consider the facts. Think about the real people who are affected by spraying poisons. Don't think of yourself only, or your pride, or your company's ability to make more money. Think like a real human. Love people. Love God. Love your country.

Respectfully submitted,

William Jacobs



Mr. William Jacobs
2201 Hendricks Rd
Pennsburg, PA 18073



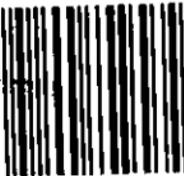
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