

William Jacobs
2201 Hendricks Rd
Pennsburg, PA 18073

October 22, 2021

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 files to be used as evidence in the trial. I have many pictures to be offered as evidence but as of now I don't know how to send them to you via e-file. Any suggestions?

William Jacobs

Introduction

PPL wishes to spray poisons on my land to control dangerous vegetation. There is no vegetation at this time endangering the power lines. In the past, all dangerous vegetation was removed by chainsaw. I will present convincing evidence on our behalf as follows:

1. Safety must be adhered to by PPL, and the PUC has the right to ensure this.
2. Crops and the 1927 R. O. W. Agreement.
3. Pictures of gardens and trails containing crops. Pictures of swale running adjacent to garden, and grass used as mulch.
4. Evidence of my wife's cancer.
5. Research on causes of cancer.
6. Precedent trial
7. Our well at 57' from R. O. W., and neighboring wells.
8. Neighbors and my constituents.
9. Conclusion.

William Jacobs, complainant

Item #1 of introduction: Safety by PPL

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

"[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.

Concluding the above, PPL must exercise safety always for its patrons and the public, AND, the Commission has the power to rule in favor of relief for the complainant.

Item #2 Crops and the 1927 R. O. W. Agreement

Mr. Stobbe, who is representing PPL, wrote "The rights, covenants, and obligations under the 1927 Agreement run with the land and, therefore, the Complainant, as the assignee, is bound by the terms and conditions of the 1927 Agreement." My response is that **BOTH** parties are bound by the 1927 Agreement. Please read it again and note the part about damage to crops. PPL is not permitted to damage my crops, which are all throughout my trails and next to my trails in my garden. Surely you have heard of wind drift and water runoff? All crops would be either killed or contaminated by the poison. This is a no-brainer. By spraying you are intentionally destroying all agricultural use of my property. All crops are organically raised. The large productive garden would be contaminated and rendered useless for 30 years. Then there is another priceless factor to consider, the relaxation and enjoyment associated with farming one's own land – wonder what price tag can be attached to the psychology?

It is also to be noted here that even the cut grass in the R. O. W. is used extensively in my garden as mulch and fertilizer. This grass CANNOT be contaminated.

Another critical note is the swale that carries water from every storm (water from the trails). This swale abuts my garden! Contaminated water CANNOT enter this swale as some of it enters my garden!

I will send a copy of the 1927 R. O. W. Agreement. It can be found in the file "Answer and New Matter of PPL", Appendix A, on page 11. Here you will read the handwritten part about protecting the crops. The conclusion from this Agreement is that PPL is responsible for protecting crops in the R. O. W.

Mr Stobbe also states 'Under the 1927 Agreement, PPL Electric has "the right to construct, operate and maintain, and from time to time[,] to reconstruct its electric lines."' 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.

Know all Men by these Presents, That We, Frank H. Fogel and
my wife of Marlboro Township, County of Montgomery
State of Pennsylvania

GRID # 061102
PPL CO. - CORPORATE FILES
N 3288

in consideration of the sum of One Dollar (\$1.00), to us paid at the date hereof by PENNSYLVANIA
POWER & LIGHT COMPANY, the receipt whereof is hereby acknowledged, and in consideration of the fur-
ther sum of One Hundred (100) Dollars,

to be paid to us when the rights hereby granted are exercised by the said Company, do hereby, for
ourselves our heirs, executors, administrators and assigns, irrevocably grant and convey unto the said
PENNSYLVANIA POWER & LIGHT COMPANY, its successors, assigns and lessees, the right to construct,
operate and maintain, and from time to time to reconstruct its electric lines, including such poles, towers, wires,
fixtures and apparatus as may be from time to time necessary for the convenient transaction of the business of
the said Company, its successors, assigns and lessees, upon, across, over and along the property which we

own, or in which we have any interest, in the Township of Marlborough
County of Montgomery, State of Pennsylvania, and upon, across, over and along the roads, streets
and highways adjoining the said property, as shown on the plan hereto attached and made a part hereof,
including the right of ingress and egress to and from the said lines at all times for any of the purposes aforesaid,
together with the right to set and maintain the necessary guy and brace poles or towers and anchors, and to
attach thereto the necessary guy wires.

And, in consideration of the said payments, we do hereby covenant and agree for ourselves
and our heirs, executors, administrators, successors and assigns, to and with the said PENNSYLVANIA
POWER & LIGHT COMPANY, its successors, assigns and lessees, that no house, barn, other structure, or
inflammable or explosive materials of any kind shall be built or stored on said property within a distance of
fifty (50) feet from either side of the right-of-way hereby granted.

any and all damages to crops during construction
will be paid for by the Company at a fair market
value.

And, further, in consideration of said payments, we do hereby release and quit claim the said
PENNSYLVANIA POWER & LIGHT COMPANY, its successors, assigns and lessees, of and from any and
all damages, loss or injury that may be at any time caused by or result from the construction, reconstruction,
operation and maintenance of the said lines, or the trimming or cutting down of any and all trees which, in the
judgment of the said Company, its successors, assigns or lessees, may interfere with the construction, reconstruction,
maintenance or operation of the said lines or menace the same.

Witness our hand & seal 3 this 8th day of February 1927
Sealed and delivered in the presence of Frank H. Fogel (SEAL)
Mary Fogel (SEAL)
R. J. Reed (SEAL)
(SEAL)
(SEAL)

Received April 14, 1927, of PENNSYLVANIA POWER & LIGHT COMPANY
the sum of One Hundred Dollars,
in full payment of the consideration above mentioned.
Mary Fogel

STATE OF PENNSYLVANIA, }
COUNTY OF Montgomery } ss:
On the 8th day of February, 1927, before me, the sub-
scriber, a Notary Public in and for the County of Lehigh, came the above named
Frank H. Fogel and Mary Fogel
and acknowledged the foregoing instrument to be the act and deed, and desired the same to be recorded
as such.
Witness my hand and official seal the day and year aforesaid.
R. J. Reed
Notary Public.

My commission expires _____
My Commission Expires the
end of the next session
of the senate,

Item #3 Pictures of trails, garden, swale

I don't know how many I can send you but I'll do my imperfect best to get them sent.

Most fruits from the trails are already harvested. They include pears, blueberries, blackberries, domesticated grapes, wild strawberries, and wild grapes. The wild grapes ripen later than the domesticated ones.

The garden includes many varieties of bell and hot peppers, many varieties of tomatoes, kale, swiss chard, green bean varieties, okra (2 varieties), butternut squash, spaghetti squash, yellow squash, zucchini, cucumbers (2 varieties), parsley, oregano, thyme, 3 varieties lettuce, 5 kinds of potatoes, onions, 2 varieties red beets, rosemary, and I'm probably missing something. I utilize the fencing for many crops that climb. I do both a Spring planting starting in March, and a Summer planting that is harvested in the Fall. Some of the Fall crops continue into December.

Please note the picture of the gentle swale that abuts the garden. It passes between the garden and the driveway.

Item #4 Evidence of My Wife's cancer

For this item, I am very hurt that an attorney would question my integrity regarding her health. A man just doesn't make up something like this. Following, you can find the Hypersensitivity notification signed by her local doctor, and a letter from her doctor in California, Dr. Simons, who clearly warns the utility company to refrain from spraying herbicides.

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 litigated 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.regionalcancer.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

**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) <i>Jacobs</i>		(First) <i>Mary</i>	(M.I.) <i>M</i>	(Suffix)	Date of Birth <i>7/11/51</i>	*Male <input type="checkbox"/>	*Female <input checked="" type="checkbox"/>
*A. Primary Residence (Home) (Must be a street address) <i>2201 Hendricks Rd</i>					*Mailing address if different		
*City (Post Office) <i>Pennsburg</i>		*Municipality (Twp. Boro or City) <i>Marlborough Township</i>		*State PA	*Zip + 4 <i>18073-2529</i>		
*County <i>Montgomery</i>		*Telephone Numbers (Include Area Codes) (*Night) (*Day) <i>715-679-8339</i> <i>same</i>			(*Alternate) <i>610-533-1472</i>		
E-mail Address (Optional) <i>wdjacobs@comcast.net</i>				* 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)

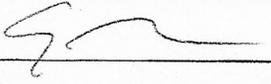
(REV 5-03)

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.


9/10/21

Physician's Signature **Date**

Please Print or Type Information

Physician's Name (Last) Morgan	(First) Eve	(M.I.) M.D./D.O. D D	PA Medical License Number 05013770
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Office Address: City, State, Zip Code
1230⁵ 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



Pennsylvania Department of Agriculture
BUREAU OF PLANT INDUSTRY
DIVISION OF HEALTH & SAFETY

10/12/2021

PENNSYLVANIA PESTICIDE HYPERSENSITIVITY REGISTRY

This is to advise you that your name has been added to or that your information has been updated in the Pennsylvania Hypersensitivity Registry. The location(s) and/or updates will appear in the next published registry. Please review all of the information below. If there are any errors, make corrections directly on this document and mail to the Department of Agriculture at the address above, or contact the bureau at (717) 772-5231.

PaPlants Id: 00ANP6
Name : Jacobs, Mary M
BirthDate : 7/11/1951

Valid Year: 2022

Residence/Physical Location		Phone
2201 Hendricks Road Pennsburg PA 18073-2529 County:Montgomery Municipality:Marlborough Township I will accept email notification at: wdjacobs@comcast.net		Day:215-679-8339 Night:215-679-8339 Alt:610-533-1472
Mail Location		Phone
2201 Hendricks Road Pennsburg PA 18073-2529 County:Montgomery Municipality:Marlborough Township I will accept email notification at: wdjacobs@comcast.net		Day:215-679-8339 Night:215-679-8339 Alt:610-533-1472

Check your personal information for errors and note corrections on this letter. This letter must be signed and returned for inclusion in the next edition of the registry.

Signature: *Mary M. Jacobs*

Date: 10-18-2021

Return to: → →

00ANP6

PA DEPARTMENT OF AGRICULTURE
BUREAU OF PLANT INDUSTRY - Registry
2301 N CAMERON STREET
HARRISBURG PA 17110-9408

(Peel off mailing label above for your convenience)

Item #5 Research

Sometimes herbicides are “approved” by the EPA, they are proven **NOT** to be safe by this research: The amount of research proving that herbicides cause cancer is enormous. I will not copy these articles, rather give you their on-line addresses.

<https://www.regionalcancer.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>

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?***

Precedent trial

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.”

The above case was reviewed by an attorney friend and this is his analysis of my current problem with PPL:

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 (Mrs. Jacobs is diagnosed with lymphoma) 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 r-o-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.

Our well at 57' from R.O.W.

Again, the Mattu case referenced in my Item #6 is a very important evidence in my complaint. You may review it again if so desired.

Mr. Stobbe (defendant) states this in his Response to my complaint: "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 or even my neighbors' wells. 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. **My well is only 57 feet from the R. O. W.!!!**

Even though the herbicides are "approved" by the EPA, it is also true that they are proven NOT to be SAFE by the research. Read the labels on all pesticides that PPL wants to use.

Another critical thing to offer as evidence is the lack of long term research on pesticides. For example, when Round-Up was initially sold, it was claimed safe to use, even by homeowners, and it has been used extensively since then. Now, many years later, the company which created it is being sued and has admitted that it causes cancer. . Bayer, makers of Round-Up, 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-bltn-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.

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:

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Neighbors and My Constituents

Not only am I defending my own Bill of Rights and the safety of my family, but I feel compelled to protect my neighbors. Herbicides spread easily via air and water and will affect them too. Herbicides are, as stated by our cancer specialist from California, the number ONE cause of cancer. We have ample research data to prove this. Thus, I must protect my neighbors and also my constituents who I have represented in our township for 8 years.

Item #9 Conclusion

By now you should have read the evidence about golfers who have higher incidents of cancer. We all know that herbicides are used extensively by golf courses to maintain the beautiful grasses. Golfers willingly subject themselves to the herbicides, and some know the risk but others do not. They walk in the herbicides maybe once per week, maybe more.

In my family's case, we do not willingly subject ourselves to this risk as golfers have done. In my family's case, if herbicides are sprayed, we will not walk in it once per week as golfers do; rather, we will walk in it daily, many times each day. If some crops survive the onslaught, we will eat the herbicide that contaminates our food. We will drink it when it contaminates our well.

We will have loss of income (fruits & vegetables).

We will have loss of serenity in our gardens.

We will greatly increase our risk of cancer.

My compromised wife will be exposed to herbicides, a no-no warning from our expert oncologist.

Hypersensitivity forms have been submitted and signed by my wife's doctor. Let this be another warning.

Herbicides would cause a higher risk to my grandchildren. If you have been blessed with grandchildren, then you should be aware of the unexplainable intense love for them, a love so deep that you are not able to explain.

All of the problems stated above, for what reason? Answer: money. Spraying is much cheaper than chainsawing. As is often the explanation, follow the money if you are looking for an answer to a problem. I say "shame on you PPL. You are willing to poison people, crops, wells, streams, and animals, all for saving money. Greed is an ugly sin. You have nobody but your own investments in mind, a selfish and sinful act with no remorse for the disease and death that you cause. As has been said in the Bible, the love of money is the root of evil. In time I will forgive you for this feeble attempt to harm us – it's my duty to forgive. But as a Christian I am permitted to defend my family, and so I do."