

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17120

Linda E. Beck and Hubert P. Beck
vs.
PPL Electric Utilities Corporation

Public Meeting held January 18, 2024
3002924-OSA
Docket No. C-2018-3002924

MOTION OF VICE CHAIR KIMBERLY BARROW

Mr. and Mrs. Beck filed a Formal Complaint related to the installation of a smart meter and alleging health problems since the meter was installed. The Becks requested removal of the smart meter.

I agree that the Complainants have failed to prove their Complaint, but I move to clarify that our Supreme Court did not expressly conclude in *Povacz v. Pennsylvania Pub. Util. Comm'n*, 280 A.3d 975 (Pa. 2022), that the assertion of a constitutional right to refuse installation of a smart meter on the basis of bodily integrity was unfounded. Instead, the Court denied allocatur on that issue. Nevertheless, the Commonwealth Court in the same case did conclude, as a matter of law, that the record and legal argument in *Povacz* failed to raise a viable claim of the violation of bodily integrity. The facts and legal arguments in the present case are on all fours with *Povacz*, and therefore the Commonwealth Court's decision is binding on the Commission.

THEREFORE, I MOVE THAT:

1. The Exceptions of the Complainant at this docket are denied consistent with this Motion.
2. The Office of Special Assistants shall prepare an opinion and order consistent with this Motion.

January 18, 2024
Date


Kimberly Barrow, Vice Chair