

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17120

Judith Hendin
vs.
Metropolitan Edison Company

Public Meeting held January 18, 2024
3003324-OSA
Docket No. C-2018-3003324

MOTION OF VICE CHAIR KIMBERLY BARROW

Judith Hendin filed a Complaint that the installation of a smart meter on her residence violates various provisions of law including the Public Utility Code and the Pennsylvania Constitution.

I agree that the Complainant has failed to prove her 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