

January 8, 2024

DATE OF DEPOSIT

JAN - 8 2024

**Via Overnight Mail**

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building, Second Floor W.  
400 North Street  
Harrisburg, PA 17120

**RE: Pamela Scott v. Duquesne Light Company**  
Docket No. C-2018-3004042

Dear Secretary Chiavetta:

Enclosed please find a copy of Complainant's Supplemental Brief and Proposed Findings of Fact, Conclusions of Law, and Order, in response to Administrative Law Judge Jeffrey A. Watson's December 1, 2023 Interim Order Reopening the Hearing Record.

A copy of this letter and document has been served upon Respondent (Paul Shane Miller and Jeremy V. Farrell of Tucker Arensberg, attorneys for Duquesne Light Company) in accordance with Commission regulations. A copy has also been served upon Emily M. Farah (Counsel, Regulatory) of Duquesne Light whose Entry of Appearance notice was emailed from Duquesne Light to me on November 21, 2023.

Please feel free to contact me if you have any questions.

Sincerely,



Pamela Scott  
134 Markham Drive  
Pittsburgh, PA 15228-1008  
(412) 998-8880

Encl: Complainant's Supplemental Brief and Proposed Findings of Fact, Conclusions of Law, and Order

Cc: Administrative Law Judge Jeffrey A. Watson (with enclosure)  
Paul Shane Miller & Jeremy V. Farrell (with enclosure)  
Emily M. Farah (with enclosure)

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE OF DEPOSIT

JAN - 8 2024

PAMELA SCOTT

Complainant,

vs.

DUQUESNE LIGHT COMPANY

Respondent.

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Docket No. C-2018-3004042

CERTIFICATE OF SERVICE

I, Pamela Scott, hereby certify that I have this day served a true copy of Complainant's Supplemental Brief and Proposed Findings of Fact, Conclusions of Law, and Order upon the parties, listed below, in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a party).

VIA ELECTRONIC MAIL:

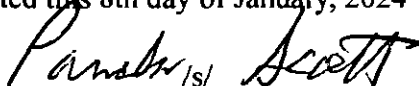
Administrative Law Judge Jeffrey A. Watson  
Pennsylvania Public Utility Commission  
301 Fifth Avenue, Suite 220, Piatt Place  
Pittsburgh, PA 15222  
layfoster@pa.gov

Emily M. Farah  
Counsel, Regulatory, Duquesne Light Company  
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Paul Shane Miller & Jeremy V. Farrell  
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1500 One PPG Place  
Pittsburgh, PA 15222  
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Dated this 8th day of January, 2024



Pamela Scott  
134 Markham Drive  
Pittsburgh, PA 15228-1008  
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PA PUBLIC UTILITY COMMISSION  
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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PAMELA SCOTT

Complainant,

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Docket No: C-2018-3004042

**COMPLAINANT'S  
SUPPLEMENTAL BRIEF  
AND PROPOSED  
FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER**

Filed by Complainant  
Pamela Scott  
134 Markham Drive  
Pittsburgh, PA 15228-1008

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PAMELA SCOTT

Complainant,

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Docket No. C-2018-3004042

**COMPLAINANT'S SUPPLEMENTAL BRIEF  
AND PROPOSED  
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

I, Pamela Scott, hereby file this Complainant's Supplemental Brief and Proposed Findings of Fact, Conclusions of Law, and Order, in accordance with Administrative Law Judge Jeffrey A. Watson's December 1, 2023 Interim Order Reopening the Hearing Record.

During testimony at the March 10, 2020, evidentiary hearing, Complainant supported her claims that radiofrequency ("RF") from Duquesne Light Company's smart meters damage her health. Tr. 103-112.

Complainant testified that she can not be within 28 feet of a Duquesne Light smart meter without experiencing concerning adverse health effects. Tr. 109-111. The one time Complainant ventured closer than that to a Duquesne Light smart meter was exactly one week before the evidentiary hearing in order to document the emission level for the evidentiary hearing using her Cornet ED-88TPlus electrosmog meter. The RF reading was 17,450 microwatts per meter

squared. Tr. 109-110. This was from a distance of twelve feet away for only a few seconds, and Complainant experienced the immediate acute symptoms of the brain and body being microwaved and feeling that she would have a stroke or sudden cardiac arrest if she had to stay in that location for ten minutes. Just like with a microwave oven where the food continues to cook after the microwave turns off, she then experienced burgeoning blurry and clouded vision in her eyes, as if they had been bleached. This persisted for three days, with her vision still negatively affected on the day of testimony. Tr. 109-110.

This above incident represents a conclusive causal connection between the Complaint's adverse health effects and exposure to the microwave RF of a Duquesne Light Company smart meter. This is conclusive evidence of a definite negative health result from a Duquesne Light Company smart meter. It is not a possibility of harm, but a demonstrated actual harm.

Complainant must daily suffer from the usage of increasingly intense and debilitating wireless technology emanating from neighboring properties and the community but she should not have to suffer from forced installation of smart meters on her own property which harmfully places such technology so much closer to her.

Using specious claims and graphics (e.g., stating that "Natural RF from the human body" is "12 times greater" than the RF exposure from a Duquesne Light Company smart meter (DLC Ex. G-2, p. 20, Figure 4), the Company fails to distinguish between the differences of natural RF and man-made RF, and it also fails to distinguish between the differences of the non-microwave RF of radio and television technology and the microwave RF of cell phone and smart meter technology. The Company also fails to distinguish between receivers-only, emitters-only, and emitters/receivers. The Company falsely equates the emissions from ERT once-a-month low-RF-intensity technology with the emissions from AMI incessant high-RF-intensity technology (Ex. D "Understanding Radio Frequency and Your New Meter": The RF output of the new digital meters is consistent with the output of Duquesne Light's current analog meters, which have been measuring and transmitting customers' usage wirelessly for almost 20 years."). Complainant in her testimony distinguished the difference between any RF from the current meter with that of Duquesne Light's smart meters.

Statements claiming that exposure to smart meter emissions are safe or pose no threat to the Complainant have been found to be invalid. Of significant note, in 2021 the United States

Court of Appeals for the District of Columbia Circuit ruled that the FCC's 2019 decision not to review its wireless guidelines had ignored mountains of evidence on non-cancerous harms from RF microwave radiation, noting that the FCC's decision of no evidence of harm was not based on evidence (Environmental Health Trust, et al. v. Federal Communications Commission and United States of America, Argued January 25, 2021, Decided August 13, 2021).

Individuals who suffer from peanut allergies suffer adverse health effects from exposure to peanuts while others do not. Identically, individuals who suffer from microwave RF exposure sickness suffer adverse health effects from microwave RF exposure while others do not. It's not rocket science. Unlike other jurisdictions across the nation, Pennsylvania forces residents who happen to reside in the service territory of one of the seven electric distribution companies (EDCs) that are affected by Act 129 of 2008 to accept smart meters on their property as a condition of electric service. Legislators, utilities, and public utility commissions in other states have moved away from forced smart meter installations, leaving Pennsylvania as an island.

The October 8, 2020 Commonwealth Court of Pennsylvania Opinion held that Act 129 of 2008 does not mandate the installation of smart meters, and that the Commission has the authority to grant customers accommodations based on their health concerns. See "Povacz I": Povacz, et al. v. Pa. Public Utility Commission, 241 A.3d 481 (Pa. Cmwlth. 2020).

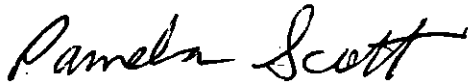
The August 16, 2022 Pennsylvania Supreme of Pennsylvania Court consolidated Opinion overturned the Commonwealth Court decision, but it did rule that the seven electric utilities affected by Act 129 do have the discretion to grant smart meter opt-out accommodations as a customer service policy in the absence of a proven Section 1501 violation. The Supreme Court ruled: "An electric customer with concerns about smart meters may seek an accommodation from the PUC or EDC, but to obtain one the customer must establish by a preponderance of the evidence that installation of a smart meter violates Section 1501. See 66 Pa.C.S. §§ 1505 (requiring the PUC to prescribe remedial action upon finding a violation of Section 1501 "as shall be reasonably necessary and proper for the safety, accommodation, and convenience of the public") and 1501 (requiring utility to take remedial action "as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public"). **This holding does not preclude an electric utility from providing a reasonable accommodation to an electric customer in the absence of a Section 1501 violation pursuant to a customer service policy.**" (emphasis added) See "Povacz II": Povacz, et al. v. Pa. Public Utility

Commission 280 A.3d 975 (Pa. 2022).

Complainant's claim for relief is legitimate and should not be dismissed.

Complainant asks Duquesne Light Company to have mercy and allow Complainant to keep her current analog meter, perhaps charging a reasonable fee for it to be manually read, and utilizing estimated bills between reading intervals. The Supreme Court of Pennsylvania has ruled that EDCs are permitted to provide opt outs as a customer service policy.

Respectfully submitted,



*/s/*

Pamela Scott, Complainant  
134 Markham Drive  
Pittsburgh, PA 15228-1008  
(412) 998-8880

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SECRETARY'S BUREAU

DATE: January 8, 2024

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**PROPOSED FINDINGS OF FACT**

1. The Complainant suffers from electromagnetic hypersensitivity syndrome (EHS). Tr. 104-112.
2. The Complainant is particularly sensitive to the microwave radiofrequency ("RF") emissions from Duquesne Light Company's digital smart meters. Tr. 109-111.
3. The Complainant cannot and does not use any microwave RF-emitting devices in her home or daily life. Tr. 106-109, 111.
4. That any and all claims and assumptions of safety with respect to exposure levels to microwave RF emissions from smart meters and all other microwave-RF-emitters have been called into question. (Environmental Health Trust, et al. v. Federal Communications Commission and United States of America, Argued January 25, 2021, Decided August 13, 2021).
5. That it would constitute unreasonable and unsafe service to the Complainant if Duquesne Light Company were permitted to install a digital smart meter on her property because such installation would greatly exacerbate her EHS [Tr. at 108, line 17].

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**PROPOSED CONCLUSIONS OF LAW**

1. The FCC limits that are based on the outdated belief that thermal effects are the only proven harm from RF have been ruled to be based on ignoring mountains of evidence to the contrary. The FCC has been ordered to provide a reasoned determination as to whether the evidence warrants a change to the FCC's 1996 limits. (Environmental Health Trust, et al. v. Federal Communications Commission and United States of America, Argued January 25, 2021, Decided August 13, 2021).
2. A medical exemption opt out for Complainant would not violate any statute, regulation, Commission order, Commission-approved tariff, Act 129 of 2008, or any aspect of the PUC Code.
3. A medical exemption opt out would save ratepayer monies and help shield Duquesne Light Company and the Pennsylvania Public Utility Commission from future liability claims.

## PROPOSED ORDER

THEREFORE,

IT IS ORDERED:

1. That the Commission orders that the Complainant shall receive a medical exemption from Duquesne Light Company and be allowed to keep her current analog meter, a long-lived meter that has many more years of reliable service life ahead of it.
2. That Duquesne Light Company may charge Complainant a reasonable fee in line with actual costs incurred by personnel performing manual readings throughout the year.
3. That the Complainant will pay estimated bills for periods when the meter is not read.
4. That Duquesne Light Company shall not be allowed to install a digital smart meter on the Complainant's property.

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