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Nov. 18, 2024

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Miranda Grace Edwards v. Duquesne Light Company Docket No. C-2018-3002741

Dear Secretary Chiavetta:

Attached please find the Petition for Reconsideration submitted by M. Grace regarding the below-referenced matter. This document has been served on the all parties as shown in the Certificate of Service.

Respectfully submitted,

/s/ M. Grace Edwards

Miranda Grace Edwards

Represented Pro Se

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Miranda Grace Edwards	**:**	
	:	
v.	**:**	
	:	**Docket No. C-2018-3002741**
	:	
Duquesne Light Company	**:**	

PETITION FOR RECONSIDERATION OF THE COMMISSION'S NOVEMBER 7, 2024 OPINION AND ORDER

Dated: Nov. 18, 2024

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I. Introduction

1. Standards for Reconsideration of a Commission Order: The Pennsylvania Public Utility Code ("Code") provides that a party may seek reconsideration of a Commission order within 15 days after it is entered. See 52 Pa. Code§ 5.572. A Petition for Reconsideration is proper where the party raises "new or novel arguments, not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission." Duick v. Penn. Gas & Water Co., 56 Pa. PUC 553,559 (1982).

2. This Petition presents "new or novel arguments, not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission."

3. For these reasons, the PUC should grant this Petition of Reconsideration, following the Duick v. Penn. Gas criteria.

4. Because of the number of arguments, for ease of reading, the section of New or Novel Arguments is divided into three groups: (1) Smart Meters, (2) DLC, and (3) Pennsylvania Public Utility Commission and its Administrative Law Courts.

5. This Petition for Reconsideration cites several federal statutes and cases which guide state courts.

Article VI, Clause 3 of the United States Constitution states:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. The Supremacy Clause of Article VI of the U.S. Constitution mandates that states must provide hospitable forums for federal claims and the vindication of federal rights (Felder v. Casey, 487 U.S. 131, 108 S. Ct. 2302, 101 L. Ed. 2d 123 (1988)). The Supremacy Clause establishes that the federal

constitution, and federal law generally, take precedence over state laws, and even state constitutions. In Edgar v. MITE Corp., 457 U.S. 624 (1982), the Supreme Court ruled: "A state statute is void to the extent that it actually conflicts with a valid Federal statute."

Holders Reply Exceptions at 4.

II. Group 1 of New or Novel Arguments: Smart Meters

A. Federal Communications Commission (FCC) regulations have been called into question in federal court.

1. DLC claims they are within FCC regulations, and the Commission agrees.
2. The ALJ's Dismissal makes reference to FCC regulations several times and the Commission's opinion summarizes this: "The ALJ noted that Duquesne presented significant evidence to show that its smart meters do not pose a health risk. The ALJ was persuaded by the testimony of Duquesne's witness, Dr. Cotts, that the smart meter emits just a tiny fraction of the applicable RF limits set by the FCC and other agencies. I.D. at 42."
3. Similarly, the ALJ's Initial Decision made reference to FCC regulations no less than nine times: … "[The Federal Communications Commission (FCC) established safe levels, or maximum permissible exposure limits (MPE) for RF transmissions in the United States. Tr.187-88, 322. Opinion at 32."
4. Clearly, FCC regulations loom large in the Commission's assessment of the safety of smart meters.
5. Since the PUC stay began (November 4, 2020), an important new development has occurred that the Commission should consider. FCC regulations have been called into question in a United States Court of Appeals case, *Environmental Health Trust, et al. v. Federal Communications Commission and United States of America*,

District of Columbia Circuit, No. 20-1025, Decided August 13, 2021. The Court ruled the FCC ignored scientific evidence and failed to provide a reasoned explanation for its determination that its 1996 regulations adequately protect the public against all the harmful effects of wireless radiation. The Court remanded. … [The FCC failed] … to provide a reasoned explanation for its determination that its guidelines adequately protect against harmful effects of exposure to radiofrequency radiation unrelated to cancer. It must, in particular, (i) provide a reasoned explanation for its decision to retain its testing procedures for determining whether cell phones and other portable electronic devices comply with its guidelines, (ii) address the impacts of RF radiation on children, the health implications of long-term exposure to RF radiation [such as smart meters], the ubiquity of wireless devices, and other technological developments that have occurred since the [Federal Communications] Commission last updated its guidelines, and (iii) 5 address the impacts of RF radiation on the evironment [sic]… we…conclude that the Commission's cursory analysis of material record evidence was insufficient as a matter of law. (emphases added) USCA Case #20-1025 Document #1910111 Filed: 08/13/2021 at 30-31.

6. The FCC has been instructed to study a 24-page list of documents showing harm from radiofrequency radiation so it can come up with new guidelines for radiofrequency safety. See Attachment I.

7. As cited in the Introduction supra, Article VI, Clause 3 of the United States Constitution, the Supremacy Clause establishes that the federal constitution, and federal law generally, take precedence over state laws, and even state constitutions.

8. THEREFORE: The PUC Commission's Opinion did not take *EHT v. FCC* into account. The U.S. Court of Appeals for the District of Columbia on August 13,

2021, ruled against the FCC because they could not provide evidence to support their guidelines and they ignored evidence of harm. The PUC cannot render a judgment that relies, in part, on FCC regulations that are currently being questioned in federal court. By taking *EHT v. FCC* into consideration, the Commission could now say that the FCC regulations that previously claimed that radiofrequency radiation, such as that emitted by smart meters, was safe, are being reevaluated by court order. Until the outcome of *EHT v. FCC* is known, the PUC cannot make a sound decision about Complainant's case, and should consider putting a stay on Complainant's case until results are known. The stay would apply to all current smart meter complainants and is highly relevant to the Commission's ruling in the current case.

B. State and federal statutes require Electric Distribution Companies (EDCs) to warn and protect the public from danger.

1. The Opinion said: The applicable Commission Regulation governing an EDC's provision of safe service is codified at 52 Pa. Code § 57.28(a)(1). Pursuant to Section 57.28(a)(1), an EDC must use reasonable efforts to properly warn and protect the public from danger and to exercise reasonable care to reduce the hazards to which customers may be subjected to by reason of the EDC's provision of electric utility service and its associated equipment and facilities. See, 52 Pa. Code § 57.28(a)(1). See, Final Rulemaking Order, Rulemaking Re: Electric Safety Regulations, 52 Pa. Code Chapter 57, Docket No. L-2015-2500632 (Order entered April 20, 2017) (Electric Safety Final Rulemaking Order). Opinion at 9, fn. 3.

2. The new argument here is that such testing is required by law in: a. The National Environmental Policy Act (NEPA); and b. 42 U.S. Code § 4332(C).

3. Both laws are cited in *Environmental Health Trust, et al. v. Federal Communications Commission and United States of America, supra:* a. The National Environmental Policy Act ("NEPA") and its implementing regulations require federal agencies to "establish

procedures to account for the environmental effects of [their] proposed actions." *Am. Bird Conservancy, Inc. v. FCC*, 516 F.3d 1027, 1032 (D.C. Cir. 2008) (per curiam). b. If an agency proposes a "major Federal action[]" that stands to "significantly affect[] the quality of the human environment," the agency must prepare an environmental impact statement ("EIS") that examines the adverse environmental effects of the proposed action and potential alternatives. 42 U.S.C. § 4332(C). *EHT v. FCC* at 4.

4. Relevant excerpts from 42 U.S. Code § 4332 state: The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this chapter, and (2) all agencies of the Federal Government shall— … (A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment; (B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by subchapter II of this chapter, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations; (C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on— (i) the environmental impact of the proposed action, (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented…

5. THEREFORE: The Commission should include in its deliberations that no testing of the safety of smart meters has been conducted as required by at least two federal laws, the National Environmental Policy Act ("NEPA") and 42 U.S. Code § 4332. With such consideration, the Commission would put a stay on Complainant's case until such testing on the safety of smart meters has been done. The stay could apply to all current smart meter complainants.

C. Complainant has the right to a pollution-free environment, which includes electromagnetic pollution.

1. This is a new argument that takes a broad view of the effect of smart meters on the environment, based on Article 27 of the Pennsylvania Constitution, which proclaims: "The people have a right to…the preservation of the natural…values of the environment."
2. Radiofrequency transmission generated by human activity is not natural. It is not made naturally by the environment. It is made by humans.
3. Article 27 guarantees a citizen's right to a pollution-free environment.
4. The public is accustomed to terms like "air pollution" and "water pollution." New terms have entered the English language in recent years that can be found in scientific journals and in use by the general public: "electromagnetic pollution" and "electrosmog." Two scientific articles in *Environmental Health Trust v. FCC* use these terms (See Attachment I): 12 2390-2439 Aug. 26, 2016 Heidi M. Lumpkin Biosystem & Ecosystem; Birds, Bees and Mankind: Destroying Nature by 'Electrosmog': Effects of Mobile Radio and Wireless Communication. Dr. Ulrich Warnke, Ph.D., 2007 120 6342- 6349 Apr. 8, 2014 M.K. Hickcox Biosystem & Ecosystem; The Dangers of Electromagnetic Smog, Prof. Andrew Goldsworthy, PhD.; 2007
5. The vast network of smart meters contributes to this electromagnetic pollution.
6. THEREFORE: If the Commission takes Article 27 of the Pennsylvania Constitution into consideration, it will rule in favor of reducing electrosmog by reducing the statewide network of smart meters.

III. Group 2 of New or Novel Arguments: DLC

A. The law, as cited by both the Supreme Court and Commonwealth Court of Pennsylvania, compels DLC to provide a reasonable accommodation.

1. The PUC's Opinion did not take into account the ruling of the Commonwealth Court of Pennsylvania, which ruled decisively that accommodation of customer requests to avoid RF emissions from smart meters should be allowed: …[A]s Consumers correctly argue, Act 129's definition of 'smart meter technology' leaves the door open for accommodations of customer requests to avoid RF emissions from smart meters. *Povacz, et al. v. Pennsylvania Public Utility Commission, PA Commonwealth Court*, 241 A.3d 481 (Pa. Cmwlth. 2020) at 11. Therefore, we conclude that Act 129 does not preclude either…[the utility company] or the PUC from accommodating a customer's request to have RF emissions from that customer's meter turned off ... or some other reasonable accommodation. We reverse that portion of the PUC's decisions finding it lacked authority for accommodations of customers' requests to avoid RF emissions. We remand to the PUC to allow consideration of Consumers' requests for accommodations…. Id. at 13. [T]he PUC's position that Act 129 requires installation of wireless smart meters in all consumer residences is incorrect. Accordingly, the PUC is also incorrect in finding that …[the utility company] may not or need not offer any accommodation to Consumers. Id. at 17. ... [T]he PUC appears to have based its decision largely on its conclusion that Act 129 mandated

installation of wireless smart meters on every residence and did not permit the PUC to grant any form of relief to Consumers to accommodate their desire to avoid RF emissions. On remand, the PUC should consider whether reasonable accommodations should be provided in light of the conclusion that Act 129 does not preclude such accommodations of customers' health concerns, regardless of proof of harm. Id. at 21. ... We reverse the PUC's conclusion that it lacks authority to accommodate Consumers' desire to avoid RF emissions from smart meters and vacate the PUC's determination that such accommodation 19 would not be reasonable. On remand, the PUC should consider all reasonable accommodations, including, but not limited to, deactivation of the RF emitting functions of the smart meters; ...and installation of wired rather than wireless smart meters, if (as Consumers contend) such technology is available." Id. At 22.

2. When *Povacz* was heard by the Pennsylvania Supreme Court, the Court said: 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. *Maria Povacz v. Pennsylvania Public Utility Commission*, J-77A-L-2021 at 7.

3. However, the Supreme Court opened the door for utilities to provide an accommodation without proving a Section 1501 violation: 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. Ibid.

4. In the past, DLC offered only one accommodation to Complainant: Move the meter at Complainant's expense.

5. This is not a reasonable accommodation because it is physically impossible. Complainant does not have enough property to move the meter away from the house. Moving the meter away from

the house also fail to address security and privacy issues related to smart meters.

6. THEREFORE: The Commission's Opinion did not take into account the rulings of either the Commonwealth Court or the Supreme Court, both of which ruled decisively that accommodation of customer requests to avoid smart meters should be allowed. When the Commission takes this into account, they will compel DLC to grant a reasonable and workable accommodation.

B. Two concepts in Pennsylvania statutes offer precedent for kindness in considerations of accommodation.

1. Benevolent Gesture – The General Assembly of the Commonwealth of Pennsylvania enacted the Benevolent Gesture Medical Professional Liability Act, Oct. 25, 2013, P.L. 665, No. 79, Cl. 40. While this applies to providing for benevolent gestures relating to medical professional liability insurance, the phrase itself evokes kindness.

2. Compassionate Release – An Informational Guide to Compassionate Release in Pennsylvania, 2014, allows sick prison inmates to be released from prison early if certain requirements are met. The requirements are laid out in Pennsylvania statute 42 Pa. C.S. § 9777.

3. THEREFORE: The Commission could advise DLC to look to the Pa. Code and consider benevolence and compassion in finding a reasonable accommodation that is acceptable to both parties.

C. The Commission should urge DLC to take a cooperative, rather than adversarial, approach to allowing Pennsylvania citizens to opt out of a smart meter.

1. This is not so much a novel legal argument as a novel logical argument.

2. Both the ALJ's Initial Decision and the Commission's Opinion and Order maintain an adversarial relationship between DLC and Complainant. However, the Commission should consider supporting a cooperative approach.

3. Complainant proposes that the Commission take a fresh, cooperative stance and encourage DLC to put its considerable resources behind the passage of a bill that will allow smart meter opt-outs. This could benefit both the PUC and the utility companies:

a. Utility companies and the PUC would save the time and money being spent to litigate smart meter opt-out cases.

b. As scientific research proceeds, utilities and the PUC risk the possibility that harm from smart meters will be proved (see, e.g., *EHT v. FCC, supra*), which could result in a flood of litigation.

4. THEREFORE: The Commission could rule that it would be prudent for utility companies, such as DLC, to support smart meter opt-out legislation, both to reduce their current litigation and to avert future litigation.

D. Contrary to the Commission's Opinion, DLC is a state actor.

1. The Commission's Opinion and Initial Decision claimed that constitutional arguments brought by Complainant do not apply because EDCs are not state actors: The ALJ concluded that Complainant's constitutional arguments do not apply because DLC is not a state actor, which is required within the constitutional analysis. Opinion at 25. But the actions of DLC in Complainant's case are, and have been, compelled by the State.

2. The Commission's policy of mandatory installation of AMI wireless smart meters is such that, in addition to willful acquiescence, there exists sufficient involvement, influence, knowledge, and sanctioning by the Commission in the conduct engaged in by DLC against the Complainant and the citizens of this Commonwealth to establish that DLC acted and is acting, along with the Commission, under color of law as an agent of the State and is thereby a "state actor."

3. Because this is a complex topic, this new argument presents relevant cases in chronological order.

4. In 1941, a case examined the issue of state action: "Misuse of power, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law, is action taken 'under color of' state law." *United States v. Classic,* 313 U.S. 299, 326 (1941).

5. In 1973, the U.S. Court of Appeals for the Sixth Circuit, in *Palmer v. Columbia Gas of Ohio*, 479 F.2d 153, held: STATE ACTION … … When a privately owned company enjoying a monopoly is in the business of providing a necessity of life it cannot, for purposes of evaluating its relationship to its customers and to the state in which and under whose control it operates, be considered as an independent, free market, common law competitor. … Virtually every aspect of

this company's operations are subject to the dictates of state statute or to the regulation of the Public Utilities Commission… … The important factor is not the number of statutes and regulations which pertain to the operation of a utility company, but the extent to which the state has reserved power to control the operations of a public utility, and the amount of power given to the utility which is usually reserved to the state. … [T]he state has granted to utilities powers not usually possessed by private corporations. … In addition, we must consider the fact that the furnishing of natural gas to the citizens ... is a legitimate public function which itself has been held to satisfy the state action requirement; when a public function is performed by a private firm whose freedom of decision making has been restricted by governmental regulation and whose freedom of action has been severely circumscribed, the actions of the otherwise private firm become subject to the constitutional limitations placed upon state action. … When private individuals or groups are endowed by the state with functions or powers which are of a governmental nature, they become instrumentalities of the state… *Evans v. Newton,* 382 U.S. 296, 299, 86 S.Ct. 486, 15 L.Ed.2d 373 (1966). In summary, inasmuch as the operations of the appellant company are fully circumscribed by an all-encompassing system of state statutes...and the supervision of the state regulatory authority, and inasmuch as the state...is significantly involved in virtually every one of the company's activities, including the specific activity complained of, the conclusion that the regulatory activities of the state have insinuated it into a position of interdependence with the company so that it must be recognized as a joint participant with the company is inescapable. *Burton, supra*, 365 U.S. at 725, 81 S.Ct. 856. (all emphases added supra) *Palmer v. Columbia Gas of Ohio*, U.S. Court of Appeals for the Sixth Circuit, 479 F.2d 153 (1973).

6. In the next year, 1974, the case of *Jackson v. Metropolitan Edison Co.* examined the issue of state action: "… [A] customer sued a privately owned utility under the Civil Rights Act of 1871 for improperly shutting off her service without providing her notice or a hearing. The Supreme Court asked whether there was a close enough nexus between the state and the utility for the acts of the latter to be treated as those of the former. Although the utility was heavily regulated by the

state, it was held not to be a state actor. The Court reasoned that the provision of utility service is not generally an 'exclusive prerogative of the State.' Also absent was the symbiotic relationship between the utility and the state found in previous cases." (Congressional Research Service, CRS Report for Congress, Document R42338, February 3, 2012.) "Though its holding [in Jackson] was broad the Court did not foreclose the possibility that a privately owned utility could be a state actor under different circumstances." (CRS Report for Congress, Document R42338, supra) "[T]he inquiry must be whether there is a sufficiently close nexus between the State and the challenged action of the regulated entity so that the 26 action of the latter may be fairly treated as that of the State itself." *Jackson v. Metropolitan Edison Co.*, 419 U.S. 345, 351.

7. In a dissenting opinion on the divergence of the Court's analysis of 'state action' in *Jackson v. Metropolitan Edison*, Justice Douglas wrote: ... May a utility have complete immunity under federal law when the State allows its regulatory agency to become the prisoner of the utility or, by a listless attitude of no concern, to permit the utility to use its monopoly power in a lawless way? ... It is not enough to examine seriatim each of the factors upon which a claimant relies and to dismiss each individually as being insufficient to support a finding of state action. It is the aggregate that is controlling. ... Section 1983 was designed to give citizens a federal forum for civil rights complaints wherever, by direct or indirect actions, a State, acting "in cahoots" with a private group or through neglect or listless oversight, allows a private group to perpetrate an injury. The theory is that in those cozy situations, local politics and the pressure of economic overlords on subservient state agencies make recovery in state courts unlikely. ... The Public Utility Commission is given extensive control over utility rates, Pa. Stat. Ann., Tit. 66, 1141 et seq. (1959 and Supp. 1974-1975), and over the character and quality of utility services and facilities, 1171, 1182-1183; it is given broad power to receive and investigate complaints, 1391, 1398, and to regulate and supervise the activities, rules, and contractual undertakings of utilities, 1171, 1341- 1343, 1360. *Jackson v. Metropolitan Edison Co.,* 419 U.S. 345 (1974).

8. In the same decision, Justice Douglas further named Met-Ed as a state actor when he addressed the particular issue of termination of service.

9. Let us quote from another case first to describe the broad concern: "Utility service is a necessity of modern life; indeed, the discontinuance of water or heating for even short periods of time may threaten health and safety." (*Memphis Light, Gas & Water Div. v. Craft*, 436 U.S. 1 (1978).)

10. Justice Douglas named Met-Ed as a state actor when considering termination of service: In the aggregate, these factors depict a monopolist providing essential public services as a licensee of the State and within a framework of extensive state supervision and control. The particular regulations at issue, promulgated by the monopolist, were authorized by state law and were made enforceable by the weight and authority of the State. Moreover, the State retains the power of oversight to review and amend the regulations if the public interest so requires. Utilities' actions are sufficiently intertwined with those of the State, and its termination-of-service provisions are sufficiently buttressed by state law to warrant a holding that utilities' actions in terminating householders service were "state action" for the purpose of giving federal jurisdiction over respondent under 42 U.S.C. 1983. … Section 1983 addresses itself to grievances inflicted "under color of any statute, ordinance, [or] regulation . . . of any State. …" The regulatory regime imposed by Pennsylvania on respondent utility seems to fit this statute like a glove. Electrical service, being a necessity of life under the circumstances of this case, is an entitlement which under our decisions may not be taken without the requirements of procedural due process. *Fuentes v. Shevin*, 407 U.S. 67, 80 (1972); *Goldberg v. Kelly,* 397 U.S. 254 (1970); *Palmer v. Columbia Gas of Ohio, Inc.*, 479 F.2d 153 (CA6 1973). … "Actions of the state that are considered in any analysis should include passive as well as active state involvement. The essential ingredient in this respect is knowledge. If the state is cognizant of the challenged activity and chooses not to prevent it, then for all purposes encouragement of the activity is taking place." The State Action Doctrine in State and Federal Courts, Hala Ayoub, Florida State University Law Review, Vol. 11, 1984. … … In the present case, however, respondent is not just one person among many; it is the only public utility furnishing electric power to the city. When power is denied a householder, the home, under modern conditions, is likely to become unlivable. … The utilities' threats of termination of service may never have been subjected to the same degree of state scrutiny and approval, whether

explicit or implicit, that was present in *Public Utilities Comm'n v. Pollak*, 343 U.S. 451 (1952). Yet in the present, the State is heavily involved in termination procedures, getting into the approved tariff a requirement of "reasonable notice." Pennsylvania has undertaken to regulate numerous aspects of similar operations in some detail, and a "hands off" attitude of permissiveness or neutrality toward the operations in this case is at war with the state agency's functions of supervision over utilities' conduct in the area of servicing householders, particularly where (as here) the State would presumably lend its weight and authority to facilitate the enforcement of respondent's published procedures. *Cf. Adickes v. S. H. Kress & Co.*, 398 U.S. 144 (1970); *Reitman v. Mulkey*, 387 U.S. 369 (1967); *Railway Employees' Dept. v. Hanson*, 351 U.S. 225 (1956); *Shelley v. Kraemer*, 334 U.S. 1 (1948).

11. The Jackson case occurred in 1974. In 1982, *Lugar v. Edmondson Oil*, 457 U.S. 922, again examined the issue of state action: "[W]e have consistently held that a private party's joint participation with state officials in the seizure of disputed property is sufficient to characterize that party as a 'state actor' for purposes of the Fourteenth Amendment. The rule in these cases is the same as that articulated in *Adickes v. S. H. Kress & Co., supra*, at 152, in the context of an equal protection deprivation: "Private persons, jointly engaged with state officials in the prohibited action, are acting "under color" of law for purposes of the statute. To act "under color" of law does not require that the accused be an officer of the State. It is enough that he is a willful participant in joint activity with the State or its agents," quoting *United States v. Price*, 383 U.S., at 794." "Our cases have accordingly insisted that the conduct allegedly causing the deprivation of a federal right be fairly attributable to the State. These cases reflect a two-part approach to this question of 'fair attribution.' First, the deprivation must be caused by the exercise of some right or privilege created by the State or by a rule of conduct imposed by the State or by a person for whom the State is responsible. … Second, the party charged with the deprivation must be a person who may fairly be said to be a state actor. This may be because he is a state official, because he has acted together with or has obtained significant aid from state officials, or because his conduct is otherwise chargeable to the State." (all emphases added supra) *Lugar v. Edmondson Oil*, 457

U.S. 922 (1982).

12. In the same year as Lugar, 1982, other cases examined the issue of state action: "[I]f the government coerces, influences, or encourages the performance of the act, it is state action." (See e.g., *Rendell-Baker v. Kohn*, 457 U.S. 830 (1982).) "A state can be held liable for exercising coercive power or significantly encouraging, either overtly or covertly, a private party." Blum v. Yaretsky, 457 U.S. 991 at 1002-03 (1982).

13. In sum, from the perspective of these opinions, DLC is a state actor. The actions of DLC in the installation of smart meters are, and have been, compelled by the State. By virtue of DLC's actions directly pursuant to the Pennsylvania Public Utility Commission policy and implementation order mandating systemwide installation of smart meters, DLC's "conduct has sufficiently received the imprimatur of the State so as to make it 'state' action for purposes of the Fourteenth Amendment." *Blum v. Yaretsky, supra.*

14. Principle reference for the argument supra is Holders' Reply Brief, December 19, 2023, Attachment II.

15. To repeat from supra, the Commission's policy of mandatory installation of AMI wireless smart meters is such that, in addition to willful acquiescence, there exists sufficient involvement, influence, knowledge, and sanctioning by the Commission in the conduct engaged in by DLC against the Complainant and the citizens of this Commonwealth to establish that DLC acted and is acting, along with the Commission, under color of law as an agent of the State and is thereby a "state actor."

16. THEREFORE: The Commission said that DLC is not a state actor, but when they take into account this new argument, they will see that DLC is, in fact, a state actor. By taking this into consideration, the Commission's rulings on all constitutional issues in this case must be reexamined, and the Commission would then find for the Complainant in these constitutional issues.

IV. Group 3 of New or Novel Arguments: The Pennsylvania Public Utilities Commmission and Its Administrative Law Courts

A. The Commission should consider the undue burden standard that has been established in the United States Supreme Court.

1. The undue burden standard states that a legislature cannot make a particular law that is too burdensome or restrictive of one's fundamental rights.

2. The Commission has fought for acceptance of a smart meter mandate through Act 129. Yet the undue burden standard sheds new light on this issue.

3. Complainant's constitutional rights are inherently her rights. (The specific rights in question will not be reargued here.)

4. The Pennsylvania Legislature, in Act 129, in the section applying to smart meters, was not too restrictive of Complainant's fundamental rights if that section were interpreted as not a mandate.

5. The PUC's Implementation Order of April 15, 2010, was too burdensome and restrictive of Complainant's fundamental rights, as is the PUC's continued forcing of smart meters on unwilling complainants.

6. The PA Supreme Court, in *Povacz II*, decided that Act 129 is a universal mandate for smart meters. That decision violates the undue burden standard as it is too burdensome or restrictive of Complainant's fundamental rights.

7. U.S. Supreme Court cases that have used the undue burden standard include: Morgan v. Virginia, 328 U.S. 373 (1946) – In a 7-to-1 ruling, U.S. Supreme Court Associate Justice Stanley Forman Reed fashioned an "undue burden" test to decide the constitutionality of a Virginia law requiring separate but equal racial segregation in public transportation. City of Akron v. Akron Center for Reproductive Health, 462 US 416 (1983) – The standard has been used in cases involving state restrictions on a woman's access to abortion. Planned Parenthood v. Casey, 505 U.S. 833 (1992) – Supreme Court Justice John Paul Stevens, in his partial concurrence, partial dissent to Casey, further defined undue burden by saying, "[a] burden may be 'undue' either because [it] is too severe or because it lacks a legitimate, rational justification." At 920.

8. THEREFORE: The question of whether Act 129 represents a mandate for smart meters is not being reargued here. Instead, in this new and novel argument, the undue burden standard as fashioned by the Supreme Court of the United States is being applied to the burdensome and

restrictive nature of Act 129 (the section on smart meters) for the Complainant and others. The question is, Where does responsibility for the undue burden standard lie? With the PUC, the Supreme Court, or the Legislature? Whatever the answer, Complainant believes that the undue burden standard should be met by nullifying the section of Act 129 that has been interpreted as a universal mandate for smart meters. Until this undue burden standard issue is resolved, no further installations of smart meters should occur.

B. The major questions doctrine addresses the authority of agencies in administrative law cases, and as such raises the question of the right of the Commission to act as it did in Complainant's case.

1. The major questions doctrine is a relatively new principle applied in United States administrative law cases. It states that courts will presume that Congress does not delegate to executive agencies issues of major political or economic significance.

2. Unlike several other countries, the United States does not have a separate system of administrative courts. Instead, administrative law judges preside over tribunals within executive branch agencies. https://en.wikipedia.org/wiki/Administrative_court

3. Before joining the Supreme Court, Brett Kavanaugh, then a judge on the D.C. Circuit, endorsed a broad interpretation of the major questions doctrine as a constitutional limitation on agency power in 2017, in a dissent in *U.S. Telecom Association v. FCC*, 855 F.3d 381, 422, saying that "[t]he major rules doctrine helps preserve the separation of powers and operates as a vital check on expansive and aggressive assertions of executive authority."

4. United States Supreme Court Chief Justice John Roberts summarized the major questions doctrine in *West Virginia v. Environmental Protection Agency*, 2022: [I]n certain extraordinary cases, both separation of powers principles and a practical understanding of legislative intent make us "reluctant to read into ambiguous statutory text" the delegation claimed to be lurking there. Utility Air, 573 U. S., at 324. To convince us otherwise, something more than a merely plausible textual basis for the agency action is necessary. The agency instead must point to "clear congressional authorization" for the power it claims. Ibid. … As for the major questions doctrine "label[]," post, at 13[a], it took hold because it refers to an identifiable body of law that has developed over a series of significant cases all addressing a particular and recurring problem:

agencies asserting highly consequential power beyond what Congress could reasonably be understood to have granted. Scholars and jurists have recognized the common threads between those decisions. So have we. See *Utility Air Regulatory Group v. Environmental Protection Agency* (2014), 573 U. S., at 324 (citing *Brown & Williamson and MCI Telecommunications Corp. v. AT&T Co.*, 512 U.S. 218 (1994); *King v. Burwell,* 576 U. S. 473, 486 (2015) (citing *Utility Air, FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120 (2000), and *Gonzales v. Oregon*, 546 U.S. 243 (2006)).

5. THEREFORE: In the Commission's actions relative to smart meter opt outs, the major questions doctrine raises the issue: Is this the purview of the PUC? The major questions doctrine would say it is not. This has broad ramifications that would lead the Commission to provide Complainant, and all smart meter opt-out complainants, with favorable rulings.

C. The powers of PUC's Administrative Law Courts extend beyond what has been legally delegated, as adjudicated in the U.S. Court of Appeals.

1. Administrative-law courts (ALCs) are courts inside agencies, such as the Administrative Law Courts within the Pennsylvania Public Utility Commission.

2. The United States Supreme Court has recently heard oral arguments in the case, *Securities and Exchange Commission v. George R. Jarkesy, Jr., et al.*, No. 22-859, Nov. 29, 2023.

3. Jarkesy arises out of an SEC civil action against George Jarkesy Jr., whom the agency accused of committing fraud in violation of federal securities laws. An SEC administrative law judge adjudged Petitioners liable and ordered various remedies.

4. The U.S. Court of Appeals for the Fifth Circuit sided with Jarkesy on three independent constitutional challenges to the SEC's enforcement authority. *Jarkesy v. Sec. & Exch. Comm'n*, United States Court of Appeals, Fifth Circuit, No. 20-61007, 34 F.4th 446 (5th Cir. 2022), Decided May 18, 2022.

5. The Jarkesy case challenges practices of Administrative Law Courts, saying that ALCs do not afford civilians the same protections as independent courts, particularly in three areas: "(1) Petitioners were deprived of their constitutional right to a jury trial; (2) Congress unconstitutionally delegated legislative power to the SEC by failing to provide it with an

intelligible principle by which to exercise the delegated power; and (3) statutory removal restrictions on SEC ALJs violate Article II." Id. At 4.

6. The same thing was said another way, which Complainant provides here for clarity's sake: a. "Congress unconstitutionally delegated legislative power to the SEC by failing to provide an intelligible principle by which the SEC would exercise the delegated power." Ibid. b. "…[T] the SEC's in-house adjudication of Petitioners' case violated their Seventh Amendment right to a jury trial." Id. at 2. c. "Statutory removal restrictions on SEC ALJs violate the Take Care Clause of Article II of the United States Constitution." Ibid. Note: The Constitution provides that the President "shall take Care that the Laws be faithfully executed . . . ." Ibid.

7. This new argument will address two of the three areas:

Point 8 addresses powers exercised by ALCs, and **Point 9** addresses the lack of jury trials. Note: The examples cited to illustrate these points are not being reargued here. They are included as examples in this new argument raised by Jarkesy concerning the excessive use of power by Administrative Law Courts.

10. Other cases decided by the United States Supreme Court prior to Jarkesy, resulted in decisions similar to Jarkesy: a. *Axon Enterprise, Inc. v. Federal Trade Commission et al.*, Certiorari to the United States Court of Appeals for the Ninth Circuit, No. 21–86. Argued November 7, 2022—Decided April 14, 2023. In this case, the U.S. Supreme Court upended the adjudicatory monopoly enjoyed by Administrative Law Courts, ruling that some litigants can avoid administrative courts and move directly to federal courts, thus liberating many individuals from the burdens of ALC adjudication. b. With the Axon decision, the U.S. Supreme Court consolidated a similar case, *Michelle Cochran v. U.S. Securities and Exchange Commission*, No. 21-1239, Docketed March 11, 2022. c. An earlier U.S. Supreme Court case that ruled on the excessive extent of the powers of ALCs was *Lucia v. Securities and Exchange Commission*. Certiorari to the United States Court of Appeals for the District of 39 Columbia Circuit, No. 17–130. Argued April 23, 2018—Decided June 21, 2018.

11. The Jarkesy decision made clear the impropriety of Administrative Law Courts: "We the

People" are the fountainhead of all government power. Through the Constitution, the People delegated some of that power to the federal government so that it would protect rights and promote the common good. See The Federalist No. 10 (James Madison) (explaining that one of the defining features of a republic is "the delegation of the government ... to a small number of citizens elected by the rest"). But, in keeping with the Founding principles that (1) men are not angels, and (2) "[a]mbition must be made to counteract ambition," see The Federalist No. 51 (James Madison), the People did not vest all governmental power in one person or entity. It separated the power among the legislative, executive, and judicial branches. See The Federalist No. 47 (James Madison) ("The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."). Id. at 10-11.

12. THEREFORE: The Commission should reconsider its Opinion in light of the Jarkesy U.S. Court of Appeals case. According to Jarkesy, many Administrative Law Courts are not exercising their delegated power. Each example supra demonstrates how the ALJ wielded unlawful power in the current case. It is rule of men, not of law. The Commission would be well advised to find ways to remedy current ALC practices and procedures. These considerations would lead the Commission to reexamine how the examples supra would influence the ruling in Complainant's case.

D. Funding sources for the Pennsylvania Public Utility Commission may compromise its ability to be impartial.

1. The PUC website does not hide the sources of its funding: The PUC is funded by assessment of the regulated public utilities throughout the state. Subject to budget approval, the PUC assesses utilities up to three-tenths of one percent of gross intrastate revenue to cover the cost of regulation. All assessments are paid into the General Fund of the State Treasury through the Department of Revenue for use solely by the Commission. The budget for Fiscal Year 2023-24 is $82,296,000 in state funds and $5,538,000 in federal funds, for a total of $88,434,000. PUC website, About the PUC, PUC Funding and Budget.

2. Thus, the PUC gets 94% of its budget on the assessments it levies on the gross revenues of the

utilities it regulates. The remaining 6% is from Federal sources. In short, the PUC is a captured agency.

3. In the ALJ's Initial Decision and the Commission's Opinion and Order, the PUC has favored DLC and ruled against the Complainant on every single point. More broadly, to Complainant's knowledge, the PUC has ruled against all in smart meter opt-out complainants one hundred percent of the time.

4. These odds bring into question whether decisions by the PUC's Commission, its judges, lawyers, and staff, are influenced by the fact that their salaries are paid by an agency whose funding comes almost exclusively (94%) from utility companies.

5. THEREFORE: The Commission should ask itself whether there any conflict of interest that would in any way detract from a fair and impartial ruling, for this Complainant as well as for others? A courtroom is a hallowed forum for honest and open dialogue in order to arrive at Truth. As such, it may require intense self-reflection.

E. The Commission should render the PUC's Implementation Order relevant to Act 129 *ultra vires*.

1. The legality of Act 129 as a universal mandate for smart meters will not be reargued here.

2. A particular legal issue has not previously been mentioned in Complainant's case: When the PUC issued its Implementation Order at a Public Meeting held on April 15, 2010 (Docket No. M-2009-21 23950), it did so ultra vires.

3. The *ultra vires* principle is based on the assumption that judicial action is legitimate on the ground that the courts are applying the intent of the legislature. However, at the time of the Implementation Order, the intent of the legislature was not clear, as has been shown in many adjudications.

4. THEREFORE: Complainant asks the Commission to render the PUC's Implementation Order, relevant to Act 129, null and void because of ultra vires. This may affect all the dominoes that fell after the Implementation Order; in other words, if the PUC was ultra vires, that would have impacted the entire progression of what followed. Examining the issue of ultra vires could lead the Commission to re-examine its Opinion, which could result in a favorable ruling in Complainant's

case.

V. MATTERS THAT WERE OVERLOOKED OR NOT ADDRESSED

A. The Commission overlooked the Pennsylvania Code that places the burden of proof on DLC.

1. The Commission's Opinion said: As the party seeking affirmative relief from the Commission, the complainant in a formal complaint proceeding has the burden of proof. 66 Pa. C.S. § 332(a). Opinion at 11.

2. In so saying, it overlooked other features and prescriptions of the Code. The Code does not directly address the burden of proof for customer complaints about new smart meter installations, and other Code provisions suggest the wisdom of placing the burden on the utility when a change is being implemented. Section 332, on which DLC and the Commission rely, addresses "Procedures in general" and states only that "the proponent of a rule or order has the burden of proof," except as otherwise provided in Section 315 of the Code or in the statute. 66 Pa.C.S. § 332(a). Section 315 does not specifically address an individual consumer challenging the reasonableness or safety of a utility's smart meter deployment. Section 315 addresses Commission-initiated proceedings, and places the burden of proof on the Commission in those instances. See, e.g., 66 P.S. § 3315(b). And where, Section 315 does address non-Commission initiated proceedings, the Code places the burden squarely on the utility. 66 Pa. C.S. § 315(a) (Commission-initiated challenge to reasonableness of rates, either proposed or existing, places the burden of proof on the utility; and, "in any proceedings upon complaint involving any proposed increase in rates, the burden of proof to show that the rate involved is just and reasonable shall be upon the public utility.") See also, Schellhammer v. Pennsylvania Pub. Util. Comm'n, 1629 A.2d 189, 193 (Pa. Commw. Ct. 1993) (explaining that "[w]here a customer is heard to complain concerning a proposed change in rate, the burden of proof is upon the public utility to show the proposed rate is just and reasonable; where the complaint involves an existing rate, however, the burden falls upon the customer to prove that the charge is no longer reasonable")(citations omitted)). Accordingly, the Code does not directly address the customer challenge to smart meter installation, but since this is a change initiated by the utility, the burden of proof should lie with

the utility to prove that it is safe. Hendin Reply Brief at 6-7.

3. To spell this out: There is a hierarchy in the Pa. Code that specifically relates to this case: First, the Opinion cites § 332, which addresses Procedures in general. § 332 states: (a) Burden of proof.--Except as may be otherwise provided in section 315 (relating to burden of proof) or other provisions of this part or other relevant statute, the proponent of a rule or order has the burden of proof.

4. Then this code about Procedures in general points to 66, PA.C.S. §315. Section (c) states: (c) Adequacy of services and facilities.--In any proceeding upon the motion of the commission, involving the service or facilities of any public utility, the burden of proof to show that the service and facilities involved are adequate, efficient, safe, and reasonable shall be upon the public utility. (emphases added)

5. It is thus the General Assembly's direction that in each and every proceeding upon the motion of the Commission, the burden of proof with regard to safety and reasonableness of facilities must rest, ultimately and from first to last, upon the public utility.

6. Thus, DLC must establish, by means of conclusive evidence, that: its AMI wireless smart meter devices are safe; that its AMI wireless smart meter devices and its smart meter mesh network are safe in the aggregate; that they do not and cannot cause adverse health effects, harm, or increased risk to human health or safety; and that chronic, long-term exposure to its AMI wireless smart meter devices cannot result in a threat to human health or safety.

7. THEREFORE: The Commission said in its Opinion and Initial Decision that the burden of proof of the safety of smart meters lay with the Complainant, citing 66 Pa. C.S. § 332(a). But they did not take into consideration Title 66, PA.C.S. §315 (c). By taking this into consideration, the Commission would shift the burden of proof of the safety of smart meters—not radiofrequency radiation in general, but smart meters in particular—onto MetEd. Until such time as the requisite proof is provided, the Commission should halt issuing a final Opinion and Order in this case.

VI. CONCLUSION

In addition to pending decisions in federal cases that have a bearing on Complainant's case, such

as *Environmental Health Trust. v. FCC*, supra, additional decisions are pending in the Commonwealth Court of Pennsylvania that are directly relevant to Complainant's case: *Nancy Colbert v. Stephen M. DeFrank, Chair of the Pennsylvania Public Utility Commission*, No. 526 MD 2023. It would be prudent for the Commission to wait to make its decision in Complainant's case until all relevant cases, in both federal and Pennsylvania courts, receive final judgments. For reasons set forth supra, Complainant M. Grace Edwards respectfully requests that the Commission grant these New or Novel Arguments and Overlooked Matters, and that whenever it may issue a Final Order, it will reject the ALJ's Initial Decision of June 24, 2024, and order DLC to grant Complainant's request for a reasonable and workable accommodation by using some means other than an RF-emitting smart meter installed on the property where she lives to collect data about electric usage for billing purposes. Specifically, Complainant respectfully requests that the Commission order DLC to grant Complainant's request to leave on her home an electromechanical analog meter with no switched-mode power supply for metering and billing her electrical usage.

Submitted,

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Dated: Nov. 18, 2024

ATTACHMENT I

Environmental Health Trust, et al. v. Federal Communications Commission and United States of America

United States Court of Appeals for the District of Columbia Circuit, No. 20-1025 Decided August 13, 2021

Evidence of Harm Files

The United States Court of Appeals for the District of Columbia Circuit (Docket No. 20-1025) ruled on August 13, 2021 that the FCC failed to respond to the following 26 volumes of evidence of harm, including long term wireless exposure, impacts to children, testimony of people injured by wireless, impacts to the wildlife and the environment and to the developing brain and reproduction. Comments filed by people who have been disabled by radiation sickness are included in volumes 22-25. Note: Volume 1 is not listed here because it presented only Notice of Inquiry papers. VOL 2 Professor Henry Lai's files of Harm (over 2100 studies between 1990-2017, Part 1) VOL 3 Professor Henry Lai's files of Harm (over 2100 studies between 1990-2017, Part 2) VOL 4 Professor Henry Lai's files of Harm (over 2100 studies between 1990-2017, Part 3) VOL 5 Professor Henry Lai's files of Harm (over 2100 studies between 1990-2017, Part 4) Joel Moskowitz PhD's research files of Harm VOL 6 Joel Moskowitz PhD's newer files of harm [600], Garg C Vesperman [15], E. H. Trust files VOL 7 Exposure Limits; Environment: Birds, Bees, Nature; Parents for Safe Technology, IARC VOL 8 Cancer; BioInitiative Report VOL 9 Autism, Cancer, Neurological VOL 10 Harm, DNA, Oxidative Stress VOL 11 Biological effects, Low-Intensity effects VOL 12 Neurological, behavioral, Radiation Sickness, health effects VOL 13 Environmental Working Group and other group appeals VOL 14 Reproduction, Developmental & Other Harm VOL 15 Children & Adolescent Harm VOL 16 Children, Harm, Radiation Sickness VOL 17 General Evidence of Harm, Wireless Utility Meters VOL 18 Brain, Cancer VOL 19 Children, Cancer, General Harm VOL 20 Industry Influence and Harm VOL 21 Exposure Standards/Radiation Sickness VOL 22 Radiation Sickness VOL 23 Radiation Sickness VOL 24 Radiation Sickness Comments - Continued VOL 25 Radiation Sickness, Individual Rights Comments VOL 26 Individual Rights/Precautionary Principal Comments,

Professor Claudia Roda (Impacts of digital technology on human behavior and social structure), Wi-Fi – Children – Dr. Ronald E. Koetzsch, PhD. VOL 27 SUPPLEMENT Exposure Limits: The underestimation of absorbed cell phone radiation, especially in children, University of Utah, Salt Lake City; Cautionary Policy on Radio frequency Radiation Actions by Governments, Health Authorities and Schools Worldwide VOLUME 2 Part 1: Professor Henry Lai's files of Harm (over 2100 studies between 1990- 2017) https://tinyurl.com/Evidence-Volume-2 3 p.589-764 Sep. 16, 2019 Joel M. Moskowitz PhD Research Compilation; Abstracts of over 2,100 studies published between1990 - 2017; Prof. Henry Lai. (Tab 7 Part 1) VOLUME 3 Part 2: Professor Henry Lai's files of Harm (over 2100 studies between 1990- 2017) https://tinyurl.com/Evidence-Vol-3 4 p.765-1164 Sep. 16,2019Joel M. Moskowitz PhD Research Compilation; Abstracts of over 2,100 studies published between 1990 - 2017; Prof. Henry Lai. (Tab 7 Part 2) VOLUME 4 Part 3 Professor Henry Lai's files of Harm (over 2100 studies between 1990- 2017) https://tinyurl.com/Evidence-Volume-4 5 p.1165-1564 Sep. 16, 2019 Joel M. Moskowitz PhD Research Compilation; Abstracts of over 2,100 studies published between 1990 - 2017; Prof. Henry Lai. (Tab 7 Part 3) VOLUME 5 Professors' Henri Lai and Joel Moskowitz's research files – Evidence of Harm https://tinyurl.com/Evidence-Volume-5 Part 4: Professor Henry Lai's files of Harm (over 2100 studies between 1990-2017) 6 p.1565-1602 Sep. 16, 2019 Joel M. Moskowitz PhD Research Compilation; Abstracts of over 2,100 studies published between 1990 - 2017; Prof. Henry Lai. (Tab 7 Part 4) 7 1603-1964 Sep. 13, 2019 Joel M. Moskowitz PhD Research Compilation; Abstracts of Over 600 Studies Published Between August 2016-August 2019, Dr. Joel Moskowitz; 2019 Part 1. (Tab 8 Part 1) VOLUME 6 Professor Joel Moskowitz's newer files of harm [600], Garg C Vesperman [15], E. H. Trust files https://tinyurl.com/Evidence-Volume-6 8 p.1965-2130 Sep. 13, 2019 Joel M. Moskowitz PhD Research Compilation; Abstracts of Over 600 Studies Published Between August 2016-August 2019, Dr. Joel Moskowitz; 2019 (Tab 8 Part 2) 9 p.2131-2142 Sep. 28, 2016 Gary C. Vesperman Research Compilation; Abstracts of 15 New Studies, Dr. Joel Moskowitz PhD, 2016 10 p.2143-2378 Jul. 7, 2016 Environmental Health Trust Research Compilation; Studies and Documents; City of Pinole, CA VOLUME 7 Exposure Limits; Environment: Birds, Bees, Nature; Parents for Safe Technology,

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MIRANDA GRACE EDWARDS	:	
	:	
V.	:	**DOCKET NO. C-2018-3002741**
	:	
DUQUESNE LIGHT COMPANY	:	

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2024, I caused to be served a true and correct copy of the foregoing upon the following:

PUC efiled with:
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