

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Richard Myers	:	
	:	
v.	:	C-2024-3045577
	:	
PPL Electric Utilities Corporation	:	

PREHEARING CONFERENCE ORDER

This Order is issued pursuant to the authority granted to presiding officers under Sections 5.222 and 5.483(a) of the Commission’s regulations and concerns the prehearing conference scheduled in this matter for **January 14, 2025**.

Procedural background

On January 19, 2024, Richard Myers (Complainant) filed a Formal Complaint against PPL Electric Utilities Corporation (Respondent or PPL) with the Pennsylvania Public Utility Commission (Commission). In his Complaint, Mr. Myers states that he has initiated the process of relocating the smart meter mounted on his house to his front yard/roadside property line. Complainant argues that PPL will not allow him to use existing utility poles to connect the relocated smart meter and, instead, is requiring him to install two additional utility poles. Mr. Myers argues that additional poles are redundant and would unnecessarily increase his costs for the meter relocation.

For relief, Complainant requested that the Commission order Respondent to allow him to use the existing utility poles to reconnect electric service from his relocated smart meter. The Complaint was e-served on Respondent on January 19, 2024.

On February 8, 2024, Respondent filed an answer to the Formal Complaint in which it denied the material allegations of fact and conclusions of law in the Complaint. PPL requested that the Complaint be dismissed with prejudice. On February 13, 2024, an Interim Order was issued which set the matter for a mediation session.

On April 25, 2024, Respondent filed a Certificate of Satisfaction, in which PPL certified that Mr. Myers advised that he no longer wishes to pursue the Complaint.

On or about May 7, 2024, Complainant filed a reply to the Certificate of Satisfaction stating:

Correct, I have withdrawn my request to use PPL Electric poles to reconnect service when I relocate my smart meter farther from my house, but I do so under duress. I believe PUC's ruling that smart meter installations are mandatory is an illicit act....

May 7 Objection at 1.

On November 8, 2024, PPL filed a Certificate of Satisfaction, which stated that Respondent and Complainant jointly certified that the smart meter had been relocated farther from Mr. Myer's home and the Complaint can be closed.

On November 12, 2024, Complainant filed a reply to the second Certificate of Satisfaction, stating his disagreement with closing his complaint because the relocation of the smart meter from his house to his front yard "does not eliminate the risk of harm to me or anyone on my lawn." As relief, Mr. Myers requests:

Please direct PPL and PUC to show me the tests and scientific studies that prove all the thousands of scientific studies, researchers, victims and physicians reporting harms are wrong. Then I will sign a Certificate of Satisfaction to close my Complaint.

November 12 Objection at 1.

By Initial Call-In Telephone Hearing Notice dated November 21, 2024, a telephonic hearing was scheduled for January 14, 2025, and the matter was assigned to me. *Prehearing Conference*

Based on my review of the parties' filings, I determined it would be helpful to hold a prehearing conference to give the parties an opportunity to identify issues and address procedural matters. Accordingly, on December 4, 2024, the Commission issued a Hearing Type Change Notice, converting the January 14, 2025, evidentiary hearing to a prehearing conference.

The parties are not required to submit a prehearing memorandum.

Parties and counsel are expected to attend the conference fully prepared for a useful discussion about the scope and status of outstanding problems in this case, both substantive and procedural, and how the case will go forward (see Paragraph 2 of the Order below).

Additionally, parties should be prepared to discuss the requirements outlined in the Pennsylvania Supreme Court's decision at *Povacz, et al. v. Pennsylvania Public Utility Commission*, 280 A.3d 975 (Pa. 2022) for the use of expert testimony in claims involving the safety of smart meters and RF emissions. A customer cannot successfully present a *prima facie* case involving an alleged violation of 66 Pa.C.S. § 1501 unless that customer presents appropriate expert scientific and medical testimony.

The parties are reminded it is the Commission's policy to encourage settlements. 52 Pa. Code § 5.231(a). The parties are urged to explore this possibility, if possible.

ORDER

THEREFORE,

IT IS ORDERED:

1. That a prehearing conference will be held by telephone on **January 14, 2025, beginning at 10:00 a.m.** Use the following information to connect to the conference:

Dial the toll-free number: **866-759-6860**

Enter the PIN number when instructed: **71568747**

Speak your name when prompted, and press #.

2. That the Parties should be prepared to discuss at the prehearing conference:

- a) Issues presently identified in this proceeding.
- b) Possibilities for settlement. *See* 52 Pa. Code § 5.231(a).
- c) Plan for discovery.
- d) New evidentiary hearing date.
- e) Witnesses and proposed area of testimony of each witness.
- f) Any other relevant procedural matter.

3. That a request for a change of the scheduled prehearing conference date must state the agreement or opposition of other participants in this proceeding and must be submitted by email no later than five (5) days prior to the prehearing conference. 52 Pa. Code § 1.15(b). The email must be sent to the Administrative Law Judge at egannon@pa.gov and to all parties at the email addresses listed in the attachment to this Prehearing Conference Order.

4. That absent a continuance for good cause, all parties must be prepared to participate in the scheduled prehearing conference. Failure of a party to participate in the conference, after being served with notice of the date, time, and location thereof, without good

cause shown, shall constitute a waiver of all objections to the agreements reached, and an order or ruling with respect thereto. 52 Pa. Code § 5.222(e).

Date: December 4, 2024

/s/
Erin L. Gannon
Administrative Law Judge

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Revised 11/21/2024

RICHARD MYERS
OWNER/OPERATOR
SELF EMPLOYED
1948 PINE DRIVE
LANCASTER PA 17601
717.393.6813
fff317@aol.com

Served via eService December 4, 2024

PETER J KRAMER ESQUIRE
POST & SCHELL
THREE LOGAN SQUARE
1717 ARCH STREET 24TH FLOOR
PHILADELPHIA PA 19103
215.587.1075
215.587.1444
pkramer@postschell.com

Served via eService December 4, 2024
(Counsel for PPL Electric Utilities)

DEVIN T RYAN ESQUIRE
POST AND SCHELL PC
ONE OXFORD CENTRE
301 GRANT STREET SUITE 3010
PITTSBURGH PA 15219
717.612.6052
717.731.1970
dryan@postschell.com

Served via eService December 4, 2024
(Counsel for PPL Electric Utilities)

NICHOLAS A STOBBE ESQUIRE
POST & SCHELL PC
17 N SECOND ST
12TH FL
HARRISBURG PA 17101-1601
717.612.6033
717.731.1970

nstobbe@postschell.com
(Counsel for PPL Electric Utilities)
Served via eService December 4, 2024

KIMBERLY A KLOCK ESQUIRE
PPL SERVICES CORP
2 NORTH 9TH ST
ALLENTOWN PA 18101
610.774.5696

kklock@pplweb.com
Served via eService December 4, 2024

MICHAEL J SHAFER ESQUIRE
PPL SERVICES CORP
2 N 9TH ST
GENTW3
ALLENTOWN PA 18101
610.774.2599
mjshafer@pplweb.com

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