

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA E-MAIL

Devin Ryan, Attorney for PPL Electric Utilities Corporation

Post and Schell

E-mail: dryan@postschell.com

Date: December 23, 2024

A handwritten signature in blue ink, appearing to be 'Aisulu Oruzbaeva', written in a cursive style.

Aisulu Oruzbaeva

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Aisulu Oruzbaeva,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2020-3023497
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

RESPONSE TO MOTION FOR JUDGEMENT

On December 14, 2020, I filed a Formal Complaint against PPL Electric Utilities Corporation (PPL). The Formal Complaint was served on PPL on December 31, 2020. I stated that the smart meter installed by PPL pollutes my property with high levels of microwave radiation also known as radiofrequency radiation and dirty electricity. I have a condition called Electromagnetic Hypersensitivity (EHS) which is recognized as disability by Americans with Disabilities Act.

The microwave radiation and dirty electricity pollution from PPL’s smart meter exacerbates my disability symptoms and interferes with major daily life activities.

This fact was supported by a letter from my doctor. As relief, I requested that PPL accommodate my disability by substituting the smart meter with an analog meter.

PPL refused to accommodate my disability in violation of the Americans with Disabilities Act, the Rehabilitation Act, and the Fair Housing Act. This refusal has already been ruled to be likely illegal in at least one other jurisdiction. In *Metallo v. Orlando Utilities Commission*, 14-cv-1975, R. Doc. 45 (M.D. Fl., Sept. 1, 2015), a court decided that a utility company's failure to waive a smart meter opt-out fee was sufficient to allege that a plaintiff was "denied the benefits of [the utility's] services, and that such exclusion was because of his disability."

I had an EMF expert, Ray Pealer measure PPL's smart meter microwave radiation pollution levels. Within 3 minutes timeframe PPL's smart meter emitted high levels of microwave radiation 16 times which averages to 7,680 times per day. To a disabled person with sensitivity to microwave radiation this feels like you are being stabbed 7,680 times.

The levels of microwave radiation went as high as 18,000 microWatts per square meter.

Smart Meter Radiation Testing



Smart Meter Pulse Datalogging

RF Radiation From Smart Meter



On Aug. 13, 2021 the U.S. Court of Appeals for the D.C. Circuit ruled in favor of the Children’s Health Defense (CHD) in its landmark case against the Federal Communications Commission (FCC).

The court’s decision states that the FCC failed to provide guidelines which adequately protect against harmful effects of exposure to radiofrequency radiation and failed to review the extensive evidence — scientific evidence and evidence of existing sickness.

Smart meters were deployed under these flawed guidelines, posing further risks to public safety. Building Biology Institute established the following guidelines based on current scientific evidence. PPL smart meter microwave radiation reading of 18,000 microWatts per square meter exceeds safety limit by 180,000 times.

Power density (Peak)	No Concern	Slight Concern	Severe Concern	Extreme Concern
microWatts per square meter $\mu\text{W}/\text{m}^2$	< 0.1	0.1 - 10	10 - 1000	> 1000

<https://buildingbiologyinstitute.org/>

In 2012 we moved to Pennsylvania from Florida to be closer to our family. PPL service area was the most convenient location for us. After I developed EHS disability I couldn't live in a house with a smart meter. PPL's failure to accommodate my disability basically forced me out of my home. I moved back to Florida where I got disability accommodation – analog meter and waived opt-out fees. We still want to live close to our family members.

I am asking this court to:

1. Deny PPL's motion for judgement
2. Order PPL to update customer service policy to include instructions on timely disability accommodation which includes provision of analog meter and waiver of opt-out fees for disabled customers.

3. Order PPL to provide proof of insurance for microwave radiation damage coverage.

Deny PPL's motion for judgement

1. I have provided enough facts that "allow the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).
2. Courts must view the complaint in the light most favorable to the plaintiff and must resolve any doubts as to the sufficiency of the complaint in the plaintiff's favor. *Hunnings v. Texaco, Inc.*, 29 F.3d 1480, 1483 (11th Cir. 1994).
3. The Court additionally has a duty to liberally construe a pro se plaintiff's complaint and to afford greater leeway in alleging a claim than what is given to licensed attorneys. *Tennyson v. ASCAP*, 477 F. App'x 608, 609–10 (11th Cir. 2012) (per curiam).
4. I was unlawfully discriminated against by PPL under these three statutes: Titles II and III of the Americans with Disabilities Act (ADA), 42 U.S.C.A. §§

12132, 12182 (West 2021); the Rehabilitation Act, 29 U.S.C.A. § 794 (West 2021); and the Fair Housing Act (FHA), 42 U.S.C.A. § 3604 (West 2021).

5. The ADA provides that “[n]o individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods [or] services . . . of any place of public accommodation” 42 U.S.C.A. § 12182(a). The ADA further defines “discrimination” to include “a failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, . . . or accommodations to individuals with disabilities” *Id.* §12182(b)(2)(A)(ii). “[A] ‘necessary’ accommodation is one that alleviates the effects of a disability.” *Schaw v. Habitat for Humanity of Citrus Cty., Inc.*, 938 F.3d 1259, 1269 (11th Cir. 2019) (quoting *Bhogaita v. Altamonte Heights Condo. Ass’n*, 765 F.3d 1277, 1288 (11th Cir. 2014)).

6. Title III of the ADA prohibits discrimination against persons with disabilities by places of public accommodation. *Spector v. Norwegian Cruise Line Ltd.*, 545 U.S. 119, 128 (2005) (“Title III of the ADA prohibits discrimination against the disabled in the full and equal enjoyment of public accommodations, 42 U.S.C. § 12182(a), and public transportation services, § 12184(a).”);

7. A public entity denies the benefits of its services to a disabled person when it provides services that are not equal to services provided to non-disabled persons. 28 C.F.R. § 35.130(b)(1)(ii).

8. Under Section 12184(a)(2) of the ADAA, discrimination includes the failure of an entity to “make reasonable modifications consistent with those required under section 12182(b)(2)(A)(ii) of this title.”

9. Practices that have a discriminatory effect against the disabled may violate the ADAA even absent intentional discrimination. *Oxford House, Inc. v. Cherry Hill*, 799 F. Supp. 450, 461 (D.N.J. 1992).

10. To the extent that PPL, by virtue of its role as a utility, is considered a quasi-public entity, it is also subject to anti-discrimination provisions of Title II of the ADAA.

11. Section 504 of the Rehabilitation Act provides that “[n]o otherwise qualified individual with a disability . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 29 U.S.C. § 794. The Rehabilitation Act extends relief to “any person aggrieved” by discrimination in violation thereof. 29 U.S.C. § 794a(a)(2).

12. Under Section 504, companies receiving federal funds must provide “the opportunity for handicapped individuals to participate in and benefit from programs receiving federal assistance.” *Alexander v. Choate*, 469 U.S. 287, 304 (1985).

13. According to the U.S. Department of Housing and Urban Development:
Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny persons with disabilities an equal opportunity to enjoy a dwelling or participate in the program. Not all persons with disabilities will have a need to request a reasonable accommodation. However, all persons with disabilities have a right to request or be provided a reasonable accommodation at any time.

14. Fair Housing Amendments Act (“FHAA”) outlaws discrimination “in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap” of an individual. 42 U.S.C. § 3604(f)(2).

15. Electricity, water, and heat are among the services that are essential to a safe living environment. *Pogue v. HACSA*, No. 6:17-cv-01731-AA, 2018 U.S. Dist. LEXIS 55764, at *7-8 (D. Or. Apr. 2, 2018) (citing 24 C.F.R, §§ 982.401(e)(1), (f)(1), (i)).

16. By its express terms, Section 3604 applies to 'the provision of services or facilities' to a dwelling, such as sewer service." *Community Services Inc. v. Wind Gap Mun. Auth.*, 421 F.3d 170, 184 (3d Cir. 2005).
17. As is noted in the Federal Register Vol. 78, No. 32, Page 11461 on February 15, 2013, the FHAA's language prohibiting discrimination in housing is "broad and inclusive." And "HUD has consistently concluded the Act is violated by facially neutral practices that have an unjustified discriminatory effect on the basis of a protected characteristic, regardless of intent."
18. The Supreme Court has held that the FHAA encompasses disparate impact discrimination. *Tex. Dep't of Hous. & Cmty. Affairs v. Inclusive Communities Project, Inc.*, 135 S. Ct. 2507 (2015). Accordingly, housing practices with a discriminatory effect can violate the FHAA regardless of discriminatory motive.
19. Further, under 42 U.S.C. § 3604(f)(3)(B), discrimination includes "a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling."

Order PPL to update customer service policy to include instructions on timely disability accommodation which includes provision of analog meter and waiver of opt-out fees for disabled customers.

20. Pennsylvania Supreme Court ruling in Povacz v. Pa. PUC page 7, footnote 5 states that: "...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."

21. I demonstrated intent to live in Pennsylvania close to our family members by moving there from Florida in 2012. Due to my disability I cannot move back to PPL's service area without a guarantee that I get immediate accommodation in the form of PPL providing an analog meter and waiving opt-out fees.

22. It is estimated that around 5% of American have EHS disability and about 20% have abnormal heart rhythm sensitivity to microwave radiation – they can develop arrhythmia, tachycardia and cardiac arrest from exposure. It would be in public interest that PPL updates their customer service policy, so it complies with the requirements of the ADA/RehabAct/FHAA.

23. Large number of patients injured by microwave/radiofrequency radiation prompted medical community to come up with the diagnosis code for the disabled:

Exposure to radiofrequency radiation (E926.0)

ICD-9 code E926.0 for Exposure to radiofrequency radiation is a medical classification as listed by WHO under the range -OTHER ACCIDENTS (E916-E928).

24. Number of lawsuits describing human suffering and injury caused by smart meters is growing. For example, Metallo vs. Orlando Utilities Commission:

5. Plaintiff is an individual disabled American veteran See **Exhibit ("A")** having disabilities received during U.S. Military service. He suffers severe hearing loss and tinnitus. Without plaintiff's permission or approval, OUC arbitrarily installed a smart meter at his residence. The smart meter created many physical and emotional problems for plaintiff amongst these problems were sleepless nights, violent

headaches, respiratory problems and frequent sneezing, low frequently humming and buzzing noises that produced shrill ear ringing, and, caused distraction concerning household functions, skin rashes, frequent power outages that created inconveniences and clock re-settings, lack of concentration, confusion and memory loss, insomnia and inability to return to sleep, dry skin. But most severe—was the loud and violent ear ringing that exacerbated his tinnitus condition.

6. Dr. Liya Sandra Perlingieri, Global Research, Centre for Research on Globalization, wrote on July 13, 2012:

7. "Over the past year, I have already personally seen the damage these dangerous meters (smart meters) have done to numerous people and several animals I know—all across the U.S. Although not generally reported by mainstream media. The serious impacts on people's health are evident. A short list includes: neurological impairment, ear pain and hearing problems, breathing dysfunctions, chest pains and heart ailments, burning skin, sleep disturbances, headaches, depression, vision troubles, blood pressure changes, sterility, autism, and neurodegenerative disease. There are numerous reports of people who are completely incapacitated from EMF

Order PPL to Provide Proof of Insurance for Microwave Radiation Damage Coverage.

25. Children's Health Defense successfully sued the FCC, revealing its disregard for public health and its failure to prevent the harm caused by microwave radiation. This disregard has led to countless injuries and fatalities, including among children. The historic ruling confirms that the FCC's current microwave radiation guidelines are insufficient to protect public health. Notably, smart meters were deployed under these flawed guidelines, posing further risks to public safety.

26. Given the imminent prospect of class action lawsuits against PPL and other utilities, it is crucial that the Pennsylvania Public Utility Commission (PA PUC), in its role of safeguarding public health and welfare, ensure that PPL maintains adequate insurance coverage. This coverage should be sufficient to compensate individuals who have been injured or the families of those who have lost their lives due to microwave radiation exposure. Protecting the public interest requires proactive measures to ensure that PPL can be held accountable for any harm caused.

CONCLUSION:

Wherefore, I respectfully ask this court to:

1. Deny PPL's motion for judgement
2. Order PPL to update customer service policy to include instructions on timely disability accommodation which includes provision of analog meter and waiver of opt-out fees for disabled customers.
3. Order PPL to provide proof of insurance for microwave radiation damage coverage.

Respectfully submitted,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke at the bottom.

Aisulu Oruzbaeva