

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Laura Farina	:	
	:	C-2022-3030803
v.	:	
	:	
Metropolitan Edison Company	:	

**INITIAL DECISION**

Before  
John M. Coogan  
Administrative Law Judge

**INTRODUCTION**

Complainant filed a Formal Complaint against Respondent objecting to the installation of a smart meter at her residence. This decision denies the Formal Complaint due to Complainant’s failure to meet her burden of proof.

**HISTORY OF THE PROCEEDING**

On December 9, 2021, Laura Farina (Ms. Farina or Complainant) filed a Formal Complaint (Complaint)<sup>1</sup> against Metropolitan Edison Company<sup>2</sup> (Met-Ed,

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<sup>1</sup> In her Formal Complaint, Ms. Farina indicated that a court had granted her a Protection From Abuse (PFA) order. At the prehearing conference held on August 2, 2024, Ms. Farina stated that the PFA order was no longer active. Tr. 39.

<sup>2</sup> On January 1, 2024, FirstEnergy's Pennsylvania operating companies (i.e., Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company) merged into FirstEnergy Pennsylvania Electric Company. Due to the merger transaction, the affected operating companies'

Company, or Respondent). The Formal Complaint was served on Met-Ed on February 9, 2022. The Complainant alleges that Met-Ed's smart meter is unsafe and unhealthy. As relief, Ms. Farina requests that the smart meter be replaced with an analog meter at no cost, and that she not be charged a monthly fee for having an analog meter.

On March 2, 2022, Met-Ed filed a letter, stating that Met-Ed would respond to the Formal Complaint when the Commission lifts its stay on smart meter formal complaint proceedings at *Smart Meter Procurement and Installation*, Docket No. M-2009-2092655 (Order entered Nov. 4, 2020).

On April 5, 2023, Ms. Farina filed a letter with the Commission inquiring about the status of her case.

On May 11, 2023, I was assigned to preside over this proceeding. Also on May 11, 2023, I issued an Order advising the parties that this matter was stayed until further direction by the Commission.

By Order entered November 14, 2023, the Commission lifted the general stay of smart meter proceedings and directed the Office of Administrative Law Judge to proceed with pending formal complaint proceedings as directed by the presiding administrative law judge.

On December 4, 2023, Met-Ed filed an Answer and New Matter to the Complaint. In the Answer, Met-Ed denies that the smart meter installed at Ms. Farina's service location is unsafe or unhealthy. Met-Ed further alleges that it is legally required

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tariffs were consolidated into a single tariff, with each former operating company's rates becoming its own rate district. As such, the customers of the former Metropolitan Edison Company have their own separate and distinct rate district under FirstEnergy Pennsylvania Electric Company's tariff.

to install the smart meter, and that a customer cannot opt-out of, or rescind, a smart meter installation. In its New Matter, Met-Ed asserts that Met-Ed customers may only receive a smart meter related accommodation ordered by the Commission if they are able to establish a violation of 66 Pa.C.S. § 1501. Met-Ed further asserts that it is willing and available to discuss with Complainant the option under its tariff that a customer may request that the meter be relocated to a mutually agreeable location, subject to the customer bearing the related expenses. However, Met-Ed reiterates that its tariff does not allow customers, such as Complainant, to opt-out of the smart meter installation. Met-Ed's New Matter included a notice to plead. The Complainant did not file a Reply to Met-Ed's New Matter.

On January 5, 2024, the Commission issued a telephonic prehearing conference notice setting a call-in telephonic prehearing conference for this matter for March 1, 2024 at 10:00 a.m. In anticipation of that prehearing conference, I issued a prehearing conference order on January 5, 2024, setting forth various rules that would govern the March 1, 2024 prehearing conference.

The March 1, 2024 prehearing conference was held as scheduled. Counsel for Met-Ed appeared at the prehearing conference. Ms. Farina did not appear. As was stated in the prehearing conference order, 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). At the prehearing conference, I directed that, before an evidentiary hearing is scheduled, several steps should take place, including identification of expert witnesses. During the prehearing conference, I also granted counsel for Met-Ed's request that written testimony be permitted in this proceeding. Accordingly, on March 1, 2024, I issued an order directing the parties to: identify by April 26, 2024 any experts they may wish to provide testimony in this proceeding, along with a summary of the expected testimony of each expert;

submit a status report, as well as written direct testimony and proposed exhibits by June 14, 2024; submit written rebuttal testimony and proposed exhibits by July 19, 2024; and confer and propose to me evidentiary hearing dates for August and/or September 2024.

On April 26, 2024, Met-Ed submitted a letter, identifying one expected witness, along with the expected subject matter of the witness's testimony. Ms. Farina did not submit information regarding any potential witness by April 26, 2024.

On June 14, 2024, Met-Ed submitted a letter, identifying a new witness that it expected to present at an evidentiary hearing, and noting that the Company had not, to date, received Ms. Farina's witness information. Met-Ed's letter also requested a one-day telephonic evidentiary hearing. Also on June 14, 2024, Met-Ed submitted exhibits that it intended to present at a future evidentiary hearing. Met-Ed did not submit written testimony by June 14, 2024.

On June 18, 2024, I received a letter from Ms. Farina dated June 7, 2024 (June 7 letter), which stated that she did not receive any mail advising her to respond to any hearing or advise of witnesses by a set date. Ms. Farina's June 7 letter identified two witnesses. Ms. Farina's letter also requested to be advised of a hearing date. Ms. Farina did not submit written testimony by June 14, 2024.

On June 21, 2024, I issued an order modifying the March 1, 2024 Order Establishing Litigation Schedule, and provided instructions on how to participate in a telephonic evidentiary hearing scheduled for September 27, 2024, beginning at 10:00 a.m. On June 24, 2024, the Commission issued an initial call-in telephone hearing notice setting a telephonic hearing for this matter for September 27, 2024 at 10:00 a.m.

On June 26, 2024, I received a letter from Ms. Farina dated June 19, 2024, stating that she was not available for a hearing between August 5, 2024 and August 7,

2024, or between September 25, 2024 and September 30, 2024. An order was issued on June 28, 2024, changing the scheduled date for an evidentiary hearing from September 27, 2024 to September 13, 2024 at 10:00 a.m. Also on June 28, 2024, the Commission issued a notice rescheduling the September 27, 2024 hearing to September 13, 2024, beginning at 10:00 a.m.

On July 9, 2024, I received a letter from Ms. Farina, dated July 2, 2024, requesting that the evidentiary hearing in this matter take place in person. I forwarded the letter to counsel for Met-Ed, stating that I would schedule a prehearing conference for August 2, 2024 to discuss Ms. Farina's request that the evidentiary hearing take place in person. On July 12, 2024, the Commission issued a telephonic prehearing conference notice setting a call-in telephonic prehearing conference for this matter for August 2, 2024 at 10:00 a.m.

The prehearing conference was held as scheduled. On August 12, 2024, I issued an order granting Ms. Farina's request to convert the September 13, 2024 hearing from telephonic to in-person.

On September 6, 2024, Met-Ed filed a motion for continuance. On September 9, 2024, I issued an order denying Met-Ed's motion for continuance.

The evidentiary hearing convened as scheduled on September 13, 2024. Ms. Farina appeared on her own behalf, along with one witness, Dennis Klein. The following six exhibits were admitted into the record on behalf of Ms. Farina:

1. Farina Exhibit 1: May 11, 2024 letter;
2. Farina Exhibit 2: June 7, 2024, letter;
3. Farina Exhibit 3: June 19, 2024, letter;

4. Farina Exhibit 4: July 2, 2024, letter;
5. Farina Exhibit 5: August 11, 2024, letter;
6. Farina Exhibit 6: August 31, 2024, letter.

Tori L. Giesler, Esquire, Daniel Garcia, Esquire, and James Meehan, Esquire, appeared at the hearing on behalf of Met-Ed, along with one witness for Met-Ed, John Ahr, an independent contractor for FirstEnergy Service Company. The following six exhibits were admitted into the record on behalf of Met-Ed:

1. Met-Ed Exhibit 1: Customer Contact History for Ms. Farina's Met-Ed account;
2. Met-Ed Exhibit PD-1: Chapter 28 of the Public Utility Code;
3. Met-Ed Exhibit PD-2: Commission Smart Meter Procurement and Installation Implementation Order;
4. Met-Ed Exhibit PD-3: Commission Order re: Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company and Pennsylvania Power Company for Approval of Smart Meter Technology Procurement and Installation Plan (Order entered June 9, 2010);
5. Met-Ed Exhibit PD-4: Smart Meter Deployment Plan;
6. Met-Ed Exhibit PD-5: Commission Order re: Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company for Approval of Their Smart Meter Deployment Plan (Order entered June 25, 2014).

The record in this case consists of the above-referenced exhibits and a transcript of 174 pages. The record closed on October 9, 2024, when I issued an order admitting late filed exhibits and closing the record. For the reasons discussed below, the Formal Complaint will be denied.

## FINDINGS OF FACT

1. Complainant is Laura Farina, who resides at 1397 Deer Run, Bushkill, PA 18324 (service address).
2. Respondent is Metropolitan Edison Company, an electric distribution company (EDC) that provides residential electric service to Complainant at the service address.
3. Act 129 of 2008<sup>3</sup> required EDCs with at least 100,000 customers to adopt and submit smart meter technology procurement and installation plans (SMTPIPs) to the Commission. Tr. 114-115; Met-Ed Ex. PD-1.
4. Met-Ed is an EDC with at least 100,000 customers. Tr. 116.
5. On June 24, 2009, the Commission issued an Implementation Order, providing general direction to EDCs regarding their adoption of smart meter programs and requiring EDCs to submit SMTPIPs to the Commission. Tr. 116; Met-Ed Ex. PD-2.
6. On August 14, 2009, Met-Ed's SMTPIP was submitted to the Commission. Tr. 118.
7. On June 9, 2010, the Commission entered an Order approving Respondent's SMTPIP with modifications. Tr. 118; Met-Ed Ex. PD-3.
8. On December 31, 2012, Respondent filed its initial smart meter deployment plan (SMDP) with the Commission. Tr. 119; Met-Ed Ex. PD-4.

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<sup>3</sup> 66 Pa.C.S. §§ 2803, 2806.1, 2807, 2811, 2813-2815 (Act 129).

9. By Order entered June 5, 2014, the Commission approved Respondent's final SMDP. Tr. 120-121; Met-Ed Ex. PD-5.
10. The SMDP does not provide an opt-out for customers. Tr. 123; Met-Ed Ex. PD-4.
11. Met-Ed's SMDP requires Met-Ed to deploy 98.5% of smart meters to its customer service locations by mid-2019, and the remaining 1.5% of smart meters, which are located in hard-to-access locations, such as remote hunting cabins, by 2022. Tr. 124; Met-Ed Ex. PD-4.
12. Met-Ed installed a smart meter at the service location. Tr. 58, 129.
13. A customer can request a relocation of the meter service if a mutually agreeable location is established between the company and the customer. Tr. 125.
14. The customer is responsible for all costs associated with the relocation of company facilities. Tr. 125.
15. Complainant did not testify as an expert. Tr. 57-84
16. Complainant offered the expert witness testimony of Dennis Klein at the hearing. 85-108.
17. Respondent offered the testimony of independent contractor John Ahr. Tr. 111-161.

## DISCUSSION

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). The evidence necessary to meet that burden must be substantial. 2 Pa.C.S. § 704. “Substantial evidence” is such relevant evidence that a reasonable mind might accept as adequate to support a conclusion. *Consol. Edison Co. of New York v. Nat’l Labor Rel. Bd.*, 305 U.S. 197, 229 (1938). More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm’n*, 413 A.2d 1037 (Pa. 1980).

To establish a sufficient case and satisfy the burden of proof, the complainant must show that the respondent utility is responsible or accountable for the problem described in the Complaint. *Patterson v. The Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990). The offense must be a violation of the Code, a Commission Regulation or Order or a violation of a Commission-approved tariff. 66 Pa.C.S. § 701. Such a showing must be by a “preponderance of the evidence.” *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm’n*, 578 A.2d 600 (Pa. Cmwlth. 1990). A preponderance of evidence is evidence more convincing, by even the smallest amount, than that presented by the other party. *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950).

The burden of proof is comprised of two distinct burdens: (1) the burden of production; and (2) the burden of persuasion. *Hurley v. Hurley*, 754 A.2d 1283 (Pa. Super. 2000). The burden of production, also called the burden of going forward with the evidence, determines which party must come forward with evidence to support a particular claim or defense. *Moore v. Nat’l Fuel Gas Distrib.*, Docket No. C-2014-2458555 (Final Order entered Aug. 25, 2015) (*Moore*). The burden of production goes to the legal sufficiency of a party’s claim or affirmative defense. *See Id.* It may shift between the parties during a hearing. A complainant may establish a *prima facie* case

with circumstantial evidence. *See Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001) (*Milkie*). If a complainant introduces sufficient evidence to establish legal sufficiency of the claim, also called a *prima facie* case, the burden of production shifts to the utility to rebut the complainant's evidence. *See Moore*.

If the utility introduces evidence sufficient to balance the evidence introduced by the complainant, that is, evidence of co-equal value or weight, the complainant's burden of proof has not been satisfied and the burden of going forward with the evidence shifts back to the complainant, who must provide some additional evidence favorable to the complainant's claim. *See Milkie*; *see also, Burlison v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd*, 461 A.2d 1234 (Pa. 1983).

On October 8, 2020, the Commonwealth Court of Pennsylvania (Commonwealth Court) issued an Opinion in *Povacz v. Pennsylvania Public Utility Commission*, 241 A.3d 481 (Pa. Cmwlth. 2020) (*Povacz I*), the first of several appeals from the Commission involving PECO Energy Company's deployment of smart meter technology pursuant to Act 129, codified at 66 Pa.C.S. § 2807(f). The Commonwealth Court held that Act 129 does not mandate the installation of smart meters, and that the Commission had the authority to grant customers accommodations based on their health concerns. *Id.* at 490. However, the Commonwealth Court affirmed: (1) the Commission's application of the preponderance of evidence standard; (2) the Commission's finding that the customers in those cases failed to sustain their burden of proof; and (3) that the Commission's findings of fact were supported by substantial evidence. *Id.* at 490, 491, 493-495. The Commonwealth Court also declined to find that the deployment of smart meters violated the customers' Fourteenth Amendment liberty interests in bodily integrity. *Id.* at 487- 488.

On August 16, 2022, the Supreme Court of Pennsylvania (Supreme Court) issued an Opinion and Order, *Povacz v. Pennsylvania Public Utility Commission*, 280 A.3d 975 (Pa. 2022) (*Povacz II*). In its Opinion in *Povacz II*, the Supreme Court affirmed the Commission’s determinations in all respects, and reversed the Commonwealth Court’s determination that Act 129 does not mandate smart meter installation. The Supreme Court noted that while Act 129 does not provide customers with the right to opt-out of smart meter installation at their residence, they may file a complaint with the Commission raising a claim that installation of a smart meter violates Section 1501 of the Code, 66 Pa.C.S. § 1501. The Supreme Court reiterated that complainants seeking relief from the Commission must satisfy their burden of proof by a preponderance of the evidence. The Supreme Court explained that inconclusive evidence – evidence that does not lead to a conclusion of a definite result one way or the other – does not meet even the minimal requirements of the preponderance of the evidence standard. *Id.* at 1005-1006. The Supreme Court opined that while a customer’s evidence does not need to prove their assertion beyond any doubt, evidence of a mere possibility that harm could result is insufficient to satisfy the preponderance of the evidence standard. *Id.* at 1007.

The Supreme Court noted that the burden of proof is two-fold for Section 1501 claims involving the safety of smart meters and radio frequency (RF) emissions. First, a customer must present expert opinion rendered to a reasonable degree of scientific certainty that radio frequency emissions from smart meters cause adverse health effects. Next, a customer must present expert opinion rendered to a reasonable degree of medical certainty that RF emissions from the smart meters, either alone or cumulative to other sources of RF emissions, caused them harm. The utility may then refute the customer’s evidence by providing scientific and/or medical expert testimony that, within a reasonable degree of certainty, the RF emissions from smart meters did not cause the alleged harm. Once the parties have presented their evidence, the onus then falls on the fact finder to weigh the evidence and determine whether it is more likely than not that the smart meter caused the customer harm. *Id.* at 1006. The

Supreme Court held that if a customer establishes by a preponderance of the evidence, based on the totality of the circumstances, that smart meter service violates Section 1501, they are entitled to an accommodation to the extent allowed by Act 129 and a utility's tariff. However, given that Act 129 mandates smart meter deployment, the Supreme Court clarified that such accommodation may not rise to the level of an opt-out from smart meter installation. *Id.* at 1014.

Pursuant to Section 1501 of the Code, all public utilities have a duty to maintain "adequate, efficient, safe, and reasonable service and facilities" and to make repairs, changes, and improvements that are necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. 66 Pa.C.S. § 1501. Section 1501 of the Code, provides, in pertinent part, as follows:

Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. Such service and facilities shall be in conformity with the regulations and orders of the commission.

66 Pa.C.S. § 1501.

In this proceeding, at the September 13, 2024 hearing, Ms. Farina testified, but not as an expert. Ms. Farina offered the testimony of Dennis Klein as an expert witness to show that smart meters negatively affect health. In his testimony, Mr. Klein opined that smart meters have adverse health effects. To illustrate his opinion, Mr. Klein testified that electric gives off radio frequencies like radiation; he uses Shungite to block RF; a smart meter in a baby's room will cause the baby to be cranky; smart meters attack DNA; certain doctors say that smart meters are dangerous; and the military uses electric and magnetic fields as electric weapons. Tr. 96-101.

If a customer is able to make a *prima facie* case that installation of a smart meter violates Section 1501, the customer may be entitled to an accommodation.<sup>4</sup> To make a *prima facie* case under 1501, a complainant must satisfy her burden of proof by a preponderance of the evidence. The burden of proof is two-fold for Section 1501 claims involving the safety of smart meters and RF emissions. First, a complainant must present expert opinion rendered to a reasonable degree of scientific certainty that radio frequency emissions from smart meters cause adverse health effects. Next, the complainant must be required to present expert opinion rendered to a reasonable degree of medical certainty that RF emissions from the smart meters, either alone or cumulative to other sources of RF emissions, caused them harm. Ms. Farina did provide legal argument, citing to the United States Constitution, Pennsylvania Constitution, U.S. Court of Appeals, U.S. Supreme Court, and Uniform Commercial Code to support her position. Tr. 62, 165-167; Farina Ex. 6 However, it is the above standards as articulated by the Supreme Court in *Povacz II* that I must follow in evaluating Ms. Farina's claims.

Ms. Farina did present the testimony of her expert witness, Mr. Klein. However, I do not find that Mr. Klein's testimony established a *prima facie* case that the Met-Ed smart meter installed at her residence is unsafe and unhealthy and in violation of 66 Pa.C.S. § 1501, as she alleges.

First, I do not find Mr. Klein's testimony provided with a reasonable degree of scientific certainty that radio frequency emissions from smart meters cause adverse health effects. Although Mr. Klein made declarative statements regarding his

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<sup>4</sup> The Supreme Court held that if a customer establishes by a preponderance of the evidence, based on the totality of the circumstances, that smart meter service violates Section 1501, they are entitled to an accommodation to the extent allowed by Act 129 and a utility's tariff. However, given that Act 129 mandates smart meter deployment, the Supreme Court clarified that such accommodation may not rise to the level of an opt-out from smart meter installation. *Povacz II*, at 1015.

opinion on the harmful effects of smart meters, he provided no underlying evidence or detailed explanations to support his opinions. I similarly find that Mr. Klein's testimony referencing doctors that he claims opine that smart meters are dangerous is unsupported. Additionally, Mr. Klein's experience and education as it relates to electricity and smart meters was not well established. Although Mr. Klein worked for 33 years in the New York City subways in various positions, it is unclear what specialized knowledge he has regarding electricity or the effects of electricity. Tr. 89-93. Mr. Klein testified that he was not a licensed electrician, although Mr. Klein did testify that he worked at an electric shop for a year in trade school. Tr. 90-92. Mr. Klein also testified that he does not have a college degree. Tr. 99. In sum, I do not find Mr. Klein's testimony provides sufficient evidence to establish with a reasonable degree of scientific certainty that smart meters have adverse health effects.

Second, as stated above, the second prong for Ms. Farina to establish her Section 1501 claim involving the safety of smart meters and RF emissions requires her to provide expert testimony regarding health. Mr. Klein did not purport to be an expert in health. *See* Tr. 97, 106.<sup>5</sup> Therefore, Ms. Farina failed to provide any expert evidence regarding the RF emissions from her smart meter, either alone or cumulative to other sources of RF emissions, caused her harm.

In conclusion, I find that Ms. Farina provided insufficient scientific and medical evidence to support her claim that Met-Ed's installation of the smart meter at the service location constitutes a violation of Section 1501 of the Code. As no violation has been found, Complainant is not entitled to a reasonable accommodation from the Commission or Respondent, or to any other form of relief that she is seeking in this

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<sup>5</sup> During the hearing, Ms. Farina stated she was a licensed registered nurse. Tr. 163. However, she did not indicate she was a nurse until she offered her closing statement, and she did not indicate her testimony was being offered as a medical professional.

proceeding. Accordingly, since Ms. Farina failed to meet her burden of proof, the Complaint must be dismissed.<sup>6</sup>

### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter of this Complaint. 66 Pa.C.S. § 701.
  
2. The burden of proof in this proceeding is upon the Complainant. 66 Pa.C.S. § 332(a).
  
3. Act 129 mandates the systemwide installation of smart meters. *Povacz v. Pa. Pub. Util. Comm'n*, 280 A.3d 975 (Pa. 2022).
  
4. While Act 129 does not provide customers with the right to opt-out of smart meter installation at their residence, they may file a complaint with the Commission raising a claim that installation of a smart meter violates 66 Pa.C.S. § 1501. *Povacz v. Pa. Pub. Util. Comm'n*, 280 A.3d 975 (Pa. 2022).
  
5. The burden of proof is two-fold for Section 1501 claims involving the safety of smart meters and RF emissions. First, a customer must present expert opinion rendered to a reasonable degree of scientific certainty that radio frequency emissions from smart meters cause adverse health effects. Next, a customer must present expert opinion rendered to a reasonable degree of medical certainty that RF emissions from the smart meters, either alone or cumulative to other sources of RF

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<sup>6</sup> Although not alleged in the Formal Complaint, Ms. Farina testified that Met-Ed sent her a letter offering her to opt out from smart meter installation, and that she elected to opt out. Tr. 58. Met-Ed witness Ahr credibly testified that Met-Ed does not offer an opt out option, and that Met-Ed has no records of Ms. Farina requesting to opt out before a smart meter was installed at the service address. Tr. 123, 129-133; Met-Ed Ex. 1, PD-4.

emissions, caused them harm. *Povacz v. Pa. Pub. Util. Comm'n*, 280 A.3d 975 (Pa. 2022).

6. A reasonable accommodation for violation of Section 1501 may not rise to the level of an opt-out from smart meter installation. 66 Pa.C.S. § 1501; *Povacz v. Pa. Pub. Util. Comm'n*, 280 A.3d 975 (Pa. 2022).

7. Complainants seeking relief from the Commission in smart meter cases must satisfy their burden of proof by a preponderance of the evidence. *Povacz v. Pa. Pub. Util. Comm'n*, 280 A.3d 975 (Pa. 2022).

8. Inconclusive evidence – evidence that does not lead to a conclusion of a definite result one way or the other – does not meet even the minimal requirements of the preponderance of the evidence standard. *Povacz v. Pa. Pub. Util. Comm'n*, 280 A.3d 975 (Pa. 2022).

9. Neither fear nor inconclusive scientific research is sufficient to prove that smart meter technology constitutes unsafe service under Section 1501. *Povacz v. Pa. Pub. Util. Comm'n*, 280 A.3d 975 (Pa. 2022).

10. Complainant failed to meet her burden of proof. 66 Pa.C.S. § 332(a); *Povacz v. Pa. Pub. Util. Comm'n*, 280 A.3d 975 (Pa. 2022).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint of Laura Farina filed against Metropolitan Edison Company at Laura Farina v. Metropolitan Edison Company, Docket No. C-2022-3030803 is denied.
2. That Docket No. C-2022-3030803 be marked as closed.

Date: January 7, 2025

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/s/  
John M. Coogan  
Administrative Law Judge