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Peter J. Kramer

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File #: 204509

February 11, 2025

***VIA ELECTRONIC FILING***

Rosemary Chiavetta  
Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Richard Myers v. PPL Electric Utilities Corporation  
Docket No. C-2024-3045577**

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Dear Secretary Chiavetta:

Attached for filing are the Preliminary Objections of PPL Electric Utilities Corporation to the Amended Complaint of Richard Myers in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Peter J. Kramer

PJK/dmc  
Attachments

cc: Certificate of Service

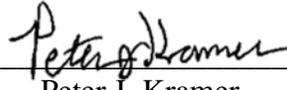
**CERTIFICATE OF SERVICE**

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 EMAIL AND FIRST-CLASS MAIL**

Richard N. Myers  
1948 Pine Drive  
Lancaster, PA 17601  
FTF317@aol.com

Date: February 11, 2025

A handwritten signature in black ink, appearing to read "Peter J. Kramer", is written over a horizontal line.

Peter J. Kramer

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Richard Myers,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3045577
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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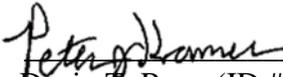
**NOTICE TO PLEAD**

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YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.101, YOU MAY FILE AN ANSWER TO THE ENCLOSED PRELIMINARY OBJECTIONS WITHIN TEN (10) DAYS AFTER THE DATE OF SERVICE. YOUR ANSWER SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR ANSWER SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

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Date: February 11, 2025

  
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Attorneys for PPL Electric Utilities Corporation

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Richard Myers,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3045577
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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**PRELIMINARY OBJECTIONS OF PPL ELECTRIC UTILITIES  
CORPORATION TO THE AMENDED COMPLAINT OF RICHARD MYERS**

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**THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:**

AND NOW, comes PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) and hereby files these Preliminary Objections, pursuant to the regulations of the Pennsylvania Public Utility Commission (“Commission”) at 52 Pa. Code § 5.101, and respectfully requests that the Commission dismiss the above-captioned Amended Formal Complaint<sup>1</sup> (“Amended Second Complaint”) filed by Richard Myers (“Complainant”) in its entirety and with prejudice.

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<sup>1</sup> On April 25, 2024, PPL Electric filed a Certificate of Satisfaction (“First Certificate of Satisfaction”) at the above-captioned docket after reaching an agreement in principle with the Complainant to resolve his Complaint. On May 6, 2024, the Complainant filed an Objection to the First Certificate of Satisfaction. Thereafter On November 8, 2024, PPL Electric filed a second Certificate of Satisfaction (“Second Certificate of Satisfaction”) at the above-captioned docket after reaching an agreement in principle with the Complainant to resolve his Complaint. On or around November 11, 2024, the Complainant filed an Objection to the Second Certificate of Satisfaction. On January 7, 2025, a Prehearing Conference was held in this matter, presided over by Administrative Law Judge Erin Gannon (the “ALJ”). During the January 7, 2025, Prehearing Conference, the parties discussed the Complainant’s Objections to the First and Second Certificates of Satisfaction. Ultimately, the ALJ ruled that the Complainant’s Objections would be treated as an Amendments to the Formal Complaint. On January 22, 2025, the ALJ issued an Interim Order solemnizing this conclusion and directed the Company to file an Answer to the Complainant’s Objections to the First and Second Certificates of Satisfaction (treated as an Amendments to the Complaint) on or before February 11, 2025. A true and correct copy of the Complainant’s May 6, 2024, Objection is attached hereto as **Appendix A**. A true and correct copy of the Complainant’s November 11, 2024 Objection is attached hereto as **Appendix B**. A true and correct copy of the January 22, 2025, Interim Order is attached hereto as **Appendix C**.

The Amended Second Complaint challenges PPL Electric’s installation of an advanced metering infrastructure (“AMI”) smart meter at the Complainant’s service address: 1948 Pine Drive Lancaster, PA 17601 (“Service Address”). As relief, the Complainant requests that he be able to opt out of the smart meter installation and requests the Company allow him an analog meter. The Complainant also challenges the Commission to “show him the data” in regard to the safety of AMI smart meters.

The Complainant previously filed a Formal Complaint disputing the Company’s planned installation of a smart meter for a previous residence at Docket No. C-2017-2620710 (“First Complaint”). The case was fully litigated before the Commission. On August 29, 2019, the Commission issued its Final Order denying the Complainant’s Exceptions, granting PPL Electric’s Exception, adopting the ID as modified, and dismissing the Complaint. *See Myers v. PPL Electric Utilities Corporation.*, Docket No. C-2017-2620710 (Initial Decision issued August 16, 2018) (Order entered Oct. 1, 2020) (“*First Complaint Order*”). The Complainant’s exceptions were denied in the Final Order. The Complainant appealed the Commission’s Order to the Commonwealth Court. The Commonwealth Court held that in light of the Supreme Court’s holding in *Povacz*, which is dispositive of Mr. Myer’s issues on appeal, the Commission’s August 19, 2019, Order was affirmed.<sup>2</sup>

As explained herein, the Commission should summarily dismiss the Amended Second Complaint because the issues regarding the installation of the smart meter(s) for the Complainant’s account(s) with the Company, as well as the alleged concerns of the Complainant regarding smart meters, are barred by the Commission’s prior Order dismissing the First Complaint, pursuant to 66 Pa.C.S. § 316. Further, the Amended Second Complaint’s requested relief cannot be granted as

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<sup>2</sup> *Myers v PA. PUC*, 1337 C.D. 2019 (Pa. Commw. Ct. 2023)

customers of PPL Electric are not permitted to opt-out of smart meter installation and, therefore, the Amended Second Complaint is legally insufficient.

In support thereof, PPL Electric states as follows:

**I. BACKGROUND**

1. PPL Electric is a “public utility” and an “electric distribution company” as those terms are defined under the Public Utility Code, 66 Pa.C.S. §§ 102 and 2803, subject to the regulatory jurisdiction of the Commission.

2. On January 19, 2024, PPL Electric was served with the above-captioned Second Complaint, which challenges the Company’s installation of a smart meter at the Service Address. (See Complaint ¶¶ 4-5).

3. On April 25, 2024, PPL Electric filed a Certificate of Satisfaction (“First Certificate of Satisfaction”) at the above-captioned docket after reaching an agreement in principle with the Complainant to resolve his Complaint. On May 6, 2024, the Complainant filed an Objection to the First Certificate of Satisfaction.

4. On November 8, 2024, PPL Electric filed a second Certificate of Satisfaction (“Second Certificate of Satisfaction”) at the above-captioned docket after reaching an agreement in principle with the Complainant to resolve his Complaint. On or around November 11, 2024, the Complainant filed an Objection to the Second Certificate of Satisfaction.

5. On January 7, 2025, a Prehearing Conference was held in this matter, presided over by Administrative Law Judge Erin Gannon (the “ALJ”). During the January 7, 2025, Prehearing Conference, the parties discussed the Complainant’s Objections to the First and Second Certificates of Satisfaction. Ultimately, the ALJ ruled that the Complainant’s Objections would be treated as an Amendments to the Formal Complaint. On January 22, 2025, the ALJ issued an Interim Order solemnizing this conclusion and directed the Company to file an Answer to the

Complainant's Objections to the First and Second Certificates of Satisfaction (treated as an Amendments to the Complaint) on or before February 11, 2025.

6. PPL Electric herein files these Preliminary Objections to the Amended Second Complaint. For the reasons explained below, PPL Electric respectfully requests that the Commission summarily dismiss the Amended Second Complaint because the issues regarding the installation of smart meters for the Complainant, as well as the concerns already alleged therein, are barred by the Commission's *First Complaint Order* pursuant to 66 Pa.C.S. § 316. Additionally, the Second Complaint's requested relief cannot be granted by the Commission and, therefore, the Second Complaint is legally insufficient.

## **II. STANDARD OF REVIEW**

7. Pursuant to the Commission's regulations, preliminary objections in response to a pleading may be filed on several grounds, including:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

52 Pa. Code § 5.101(a) (emphasis added).

8. In ruling on preliminary objections, the Presiding Officer must accept as true all well-pled allegations of material facts as well as all inferences reasonably deducible therefrom.

*Stilp v. Cmwlt.*, 910 A.2d 775, 781 (Pa. Cmwlt. 2006) (citing *Dep't of Gen. Servs. v. Bd. of Claims*, 881 A.2d 14 (Pa. Cmwlt. 2005)). However, the Presiding Officer need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations, or expressions of opinion. *Stanton-Negley Drug Co. v. Dep't of Pub. Welfare*, 927 A.2d 671, 673 (Pa. Cmwlt. 2007). Notwithstanding, any doubt must be resolved in favor of the non-moving party. *Stilp*, at 781.

9. In addition, the Presiding Officer must determine whether, based on the factual pleadings, if recovery is possible. See *Rok v. Flaherty*, 527 A.2d 211, 214 (Pa. Cmwlt. 1987). Indeed, for preliminary objections to be sustained, it must appear with certainty that the law will permit no recovery. See *Stilp*, at 781; *Milliner v. Enck*, 709 A.2d 417, 418 (Pa. Super. 1998).

### **III. PRELIMINARY OBJECTIONS**

#### **PRELIMINARY OBJECTION NO. 1 – THE AMENDED SECOND COMPLAINT SHOULD BE DISMISSED BECAUSE IT IS BARRED BY SECTION 316 OF THE PUBLIC UTILITY CODE AND, THEREFORE, IS LEGALLY INSUFFICIENT**

10. PPL Electric incorporates by reference Paragraphs 1 through 9 as if fully set forth herein.

11. The Amended Second Complaint should be dismissed in its entirety because it is barred by Section 316 of the Public Utility Code, 66 Pa.C.S. § 316, and, therefore, is legally insufficient. See 52 Pa. Code § 5.101(a)(4).

12. As explained previously, the Complainant challenges PPL Electric's installation of a smart meter at the Service Address. (See Complaint ¶ 5). The Complainant requests that he be permitted to purchase and install an "analog meter" for use at his home and challenges the Company and the Commission to show him data on the use/safety of smart meters. (See Complaint ¶ 5).

13. On August 22, 2017, PPL Electric was served with the First Complaint filed by the Complainant which, like the instant Complaint, challenged the Company's installation of smart meters at the Complainant's previous address. The Complaint was docketed at Docket No. C-2017-2620710.

14. On August 16, 2018, Administrative Law Judge Elizabeth H. Barnes (the "ALJ") issued the Initial Decision ("ID"). The ID dismissed the Complainant's Formal Complaint challenging the Company's planned installation of a new AMI meter at the Complainant's previous address because the Complainant failed to prove by a preponderance of the evidence that the installation of the smart meters constitutes unsafe or unreasonable service under Section 1501 of the Code or that it violates any other provision of the Code, Commission Regulation, Commission Order, or the Company's Commission-approved Tariff.

15. On August 29, 2019, the Commission issued its Final Order denying the Complainant's Exceptions, granting PPL Electric's Exception, adopting the ID as modified, and dismissing the Complaint.

16. The Complainant filed a petition for review with the Commonwealth Court challenging the First Complaint Order.

17. The Commonwealth Court held that in light of the Supreme Court's holding in *Povacz*, which is dispositive of Mr. Myer's issues on appeal, the Commission's August 19, 2019, Order was affirmed.

18. The Complainant disputes the installation of a smart meter at the Service Address.

19. In both the First and Amended Second Complaints, the Complainant requests that PPL Electric remove any smart meter from his property(ies) and requests that he be able to use an analog meter. (*See* Complaint ¶ 5).

20. Under Section 5.101(a)(4) of the Commission's regulations, a party may file a preliminary objection for "legal insufficiency." 52 Pa. Code § 5.101(a)(4).

21. Pursuant to 66 Pa.C.S. § 316, the instant Complaint is barred by the *First Complaint Order*. Section 316 states, in relevant part:

Whenever the commission shall make any rule, regulation, finding, determination or order, the same shall be prima facie evidence of the facts found and shall remain conclusive upon all parties affected thereby, unless set aside, annulled or modified on judicial review.

66 Pa.C.S. § 316.

22. Under Section 316 of the Public Utility Code, a complainant is prohibited from raising issues that were previously decided. *See Moore, Jr. v. PECO Energy Co.*, Docket No. C-2012-2309932, 2012 Pa. PUC LEXIS 1251, at \*12 (Initial Decision dated July 18, 2019), *adopted without modification*, Docket No. C-2012-2309932 (Order entered Oct. 24, 2012); *see also Denlinger v. PPL Elec. Utils. Corp.*, Docket No. C-2019-3014786 (Initial Decision issued Feb. 24, 2020), *adopted without modification*, Docket No. C-2019-3014786 (Order entered May 21, 2020).

23. Section 316 precludes a collateral attack upon a Commission order that has not been reversed upon appeal. *See Lehigh Valley Power Comm. v. Pa. PUC*, 563 A.2d 548, 556 (Pa. Cmwlth. 1989) (citing 66 Pa.C.S. § 316).

24. The *First Complaint Order* was not set aside, annulled, or modified by judicial review. Therefore, the *First Complaint Order* remains conclusive upon all parties affected thereby. *See Lehigh Valley*, 563 A.2d at 556 (citation omitted).

25. As noted above, the account holder is identical to those at issue in the First Complaint. Further, to the extent that the Complainant's issues are any different in the instant Complaint compared to his First Complaint, the Complainant could have and should have raised all of his concerns regarding the installation of smart meters during the First Complaint. As such,

through the Amended Second Complaint, the Complainant is seeking to litigate the same factual and legal issues which were raised or could have been raised in the First Complaint.

26. Thus, the Complainant's claims and issues are barred by Section 316 of the Public Utility Code, 66 Pa.C.S. § 316.

27. For these reasons, the Amended Second Complaint should be dismissed because the claims and issues raised therein are already subject to a prior Commission Order that remains conclusive and binding upon the Complainant.

**B. PRELIMINARY OBJECTION NO. 2 – THE AMENDED SECOND COMPLAINT'S REQUESTED RELIEF CANNOT BE GRANTED BY THE COMMISSION AND, THEREFORE, IS LEGALLY INSUFFICIENT.**

28. PPL Electric incorporates by reference Paragraphs 1 through 27 as if fully set forth herein.

29. The Amended Second Complaint's requested relief cannot be granted by the Commission because PPL Electric customers are not permitted to opt-out of smart meter installation.

30. Through the Amended Second Complaint, the Complainant requests the Commission allow him to opt out of a smart meter and states "PUC's ruling that smart meter installations are mandatory is an illicit act." (May 6, 2024, Amended Complaint ¶ 4; **See Appendix B**).

31. In doing so, the Complainant is functionally requesting he be permitted to opt-out of PPL Electric installing a smart meter at his Service Address.

32. PPL Electric is legally required to install the smart meters by the Public Utility Code, the Commission's orders, and the Company's Commission-approved Smart Meter Deployment Plan. *See* 66 Pa.C.S. § 2807(f); *PPL Electric Utilities Corporation Smart Meter*

*Technology Procurement and Installation Plan*, Docket No. M-2009-2123945 (Order June 24, 2010).

33. On June 24, 2009, the Commission issued its Smart Meter Implementation Order, which set forth requirements for the smart meter plans and procedures for the submission, review, and approval of the smart meter plans. *See Smart Meter Procurement and Installation*, Docket No. M-2009-2092655 (Order entered June 24, 2009).

34. On August 14, 2009, the Company filed its Petition for Approval of its Smart Meter Deployment Plan in accordance with the *Smart Meter Implementation Order*:

35. Nothing in the Public Utility Code, the Commission’s orders and regulations, or PPL Electric’s Smart Meter Deployment Plan states that a customer can opt-out of, or rescind, a smart meter installation.

36. Indeed, on August 16, 2022, the Supreme Court of Pennsylvania issued its Opinion affirming in part and reversing in part the Commonwealth Court’s decision in *Povacz*.<sup>3</sup> Specifically, the Supreme Court in *Povacz* held that: (1) Act 129 mandates the systemwide installation of smart meters; (2) the PUC applied the correct burden of proof standard in the smart meter complaint cases arising under Section 1501 of the Public Utility Code; (3) an electric distribution company (“EDC”) cannot be required to provide an accommodation to a customer absent a Section 1501 violation; and (4) even if a smart meter complainant meets their burden of proof, the complainant is only “entitled to an accommodation to the extent allowed by Act 129 and a utility’s tariff.”<sup>4</sup>

37. Therefore, PPL Electric must install the smart meters at the Complainant’s service address.

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<sup>3</sup> *Povacz v. Pa. PUC*, 241 A.3d 481 (Pa. Cmwlth. 2020).

<sup>4</sup> *See Povacz v. Pa. PUC*, 280 A.3d 975, 1012-1014 (Pa. 2022).

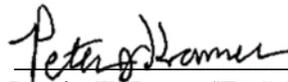
38. Further, even if the Complainant established that the installation of the smart meters would violate Section 1501 of the Public Utility Code, the Complainant could only receive an accommodation that is permitted under Act 129 and PPL Electric's Commission-approved tariff. Here, PPL Electric's Commission-approved tariff allows a customer, such as the Complainant, to request that the meters be relocated, subject to the customer bearing the estimated expenses of relocating the Company-owned facilities, including the meter, to the new location. As such, the Complainant's requested relief, *i.e.*, an opt-out of smart meter(s) installation, is inconsistent with the Public Utility Code, the Commission's orders and regulations, PPL Electric's Smart Meter Deployment Plan, and PPL Electric's Commission-approved tariff and, therefore, cannot be granted by the Commission. *See* Tariff Rule 4(I)(2), Supp. No. 59 to Electric Pa. P.U.C. No. 201, Third Revised Page No. 8E,

39. For these reasons, the Amended Second Complaint should be dismissed because the Commission cannot grant the requested relief therein.

**IV. CONCLUSION**

WHEREFORE, PPL Electric respectfully requests that the above-captioned Formal Complaint filed by Richard Myers be dismissed in its entirety pursuant 52 Pa. Code § 5.101(a)(4).

Respectfully submitted,



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E-mail: nstobbe@postschell.com  
Date: February 11, 2025

Attorneys for PPL Electric Utilities Corporation

# **APPENDIX A**

## **Complainant's May Objection to Certificate of Satisfaction**

May 5, 2024

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Second Floor, North  
PO Box 3625  
Harrisburg, Pa 17105-3265

Re: Certificate of Satisfaction, Docket No. C-2024-3045577 (Meter Relocation)

Dear Secretary Chiavetta,

In reply to Post & Schell letter dated April 25 I object to PA PUC filing a Certificate of Satisfaction regarding my Formal Complaint C-2024-3045577.

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:

- Lawmakers never voted to make smart meters mandatory under Act 129. Rather, they voted to make them optional based on a customer's request. This according to sworn testimony by a lawmaker who was present when voting for Act 129 in 2008, plus multiple statements by lawmakers appearing in Legislative Journals. PUC has no right to overthrow the General Assembly and legislate in its place.
- PUC's mandate is causing pain and suffering to many Pennsylvanians.
- PUC is putting the health of 12-million Pennsylvanians at risk (including my sister who is gravely ill from cancer) by ignoring the many victims injured by smart meters and thousands upon thousands of scientific studies reporting adverse health and carcinogenic effects from microwave radiation of the type transmitted by smart meters.



Richard Myers

Copy to:

Peter Kamer, Post & Schell  
Mediator Teri-Lee Rhoades (PUC Office of Administrative Law Judge)

# **APPENDIX B**

**Complainant's November Objection Letter to  
PUC**

November 11, 2024

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Objection to Certificate of Satisfaction, Richard Myers v. PPL Electric Utilities Corporation, Docket No. C-2024-3045577**

Dear Secretary Chiavetta:

I do not agree to sign and submit a Certificate of Satisfaction in the above captioned matter as requested by PPL Electric Utilities Corporation.

As you and the parties in this matter know there is massive and overwhelming scientific evidence that pulse modulated microwave radiation of the type transmitted by smart meters is injurious to humans and all life forms. Relocating the meter from my house to my front yard does not eliminate the risk of harm to me or anyone on my lawn.

As you know Pennsylvanians have become sick from smart meter radiation. Some victims are forced to live without electricity, choose to sleep in tents or cars to reduce exposure, or move out of state as a last resort. One such victim is the spouse of a former PA State Representative.

As you know PUC and electric distribution companies have been flooded with thousands of smart meter complaints and legal challenges.

Please direct PPL Electric 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.

Copies of this letter are being provided per the Certificate of Service.



Richard Myers

cc: Peter J. Kramer, Associate, Post & Schell, P.C.  
Danielle M. Caley, Legal Secretary, Post & Schell. P.C.  
Mediator Teri-Lee Rhoads  
Certificate of Service follows

## **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 REGISTERED MAIL**

Rosemary Chiavetta  
Secretary, Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

### **VIA EMAIL**

Peter J. Kramer, Associate, Post & Schell, P.C.  
Danielle M. Caley, Legal Secretary, Post & Schell. P.C.  
Mediator Teri-Lee Rhoads

Date: November 11, 2024



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Richard N. Myers

**APPENDIX C**  
**January Interim Order**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**INTERIM ORDER**

This order memorializes the procedural matters discussed at the prehearing conference held on January 7, 2025 and establishes a 20-day deadline for PPL Electric Utilities Corporation (Respondent or PPL) to respond to what I deem to be an amended Formal Complaint.

*Abbreviated Procedural background*

A fuller procedural background is set forth in the Prehearing Conference Order issued on December 4, 2024 in this matter. Relevant to this Interim Order, the Initial Call-In Telephone Hearing Notice served November 21, 2024, Hearing Type Change Notice served December 4, 2024, and Prehearing Conference Order served December 4, 2024 were eServed to Richard N. Myers (Complainant). In his Formal Complaint, Mr. Myers checked the box and initialed his selection of service by email and provided an email address to which the notices and order were sent. There is no indication that the emails were returned as undeliverable. All three documents provided the date, time and call-in information for the Prehearing Conference. Further, the Prehearing Conference Order provided notice that:

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).

The Call-In Telephonic Prehearing Conference was convened as scheduled at 10:00 a.m. on Tuesday, January 14, 2025. Mr. Peter J. Kramer, Esquire appeared for PPL. No one participated on behalf of the Complainant.

During the Prehearing Conference, I advised counsel for Respondent that I will deem the statements in Mr. Myers' written objections to the two Certificates of Satisfaction to be an amendment to the Formal Complaint.<sup>1</sup> On their face, those statements appear to expand the scope of the complaint and requested relief beyond the original Formal Complaint. As I noted in the Prehearing Conference Order, Mr. Myers' reply to the April 25, 2024 Certificate of Satisfaction stated:

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 6, 2024 Objection at 1.<sup>2</sup> Mr. Myer's reply to the November 8, 2024 Certificate of Satisfaction stated his disagreement with closing his Formal 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, 2024 Objection at 1.

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<sup>1</sup> 52 Pa. Code § 5.91(a).

<sup>2</sup> The stamps on the filings indicate that deposit for delivery by Certified Mail was made on May 6, 2024 and November 12, 2024, respectively. In the Prehearing Conference Order, I referenced May 7 for the first objection, which was the date received by the Pennsylvania Public Utility Commission (Commission) versus the date deposited. Pursuant to the Commission's regulations, when a filing is served by United States mail, the date deposited is considered the date of service.

Section 5.483 of the Commission's regulations provides presiding officers with the authority to regulate the course of proceedings. 52 Pa. Code § 5.483(a). Presiding officers are required to conduct fair and impartial hearings and maintain order. 52 Pa. Code § 5.485(a). The Commission's regulations permit the presiding Administrative Law Judge to disregard an error or defect of procedure if the error does not adversely affect a substantive right of a party.<sup>3</sup> In the instant case, the Respondent's substantive rights will not be adversely affected by treating the objections as an amendment to the Formal Complaint. I note that the Respondent has been provided notice and will be afforded twenty (20) days to respond to any new issues raised by the amended pleading. This is the same amount of time as would have been provided for responding to a written amendment filed pursuant to 52 Pa. Code §§ 5.91-5.93.<sup>4</sup>

During the Prehearing Conference, we also discussed preparation for evidentiary hearings. Consistent with that discussion, I will set a deadline of March 14, 2025, for the parties to exchange information about any fact or expert witnesses (other than the Complainant) who they will present at the hearing. Please review Ordering Paragraph 3, below, which lists the specific information that must be provided, in writing, to the other party.

In addition, prior to April 4, 2025, the parties should confer and attempt to agree on two or more proposed dates for a hearing to be held in July of 2025.

By April 11, 2025, the parties, together or separately, should file a status report in this proceeding and serve a copy upon the opposing party and the undersigned Presiding Officer. Please review Ordering Paragraph 5, below, which lists the specific information that must be included in the report.

The parties are expected to conduct discovery in the time before the hearing.<sup>5</sup> Also, the parties are encouraged to exchange information on an informal basis.<sup>6</sup>

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<sup>3</sup> 52 Pa. Code § 1.2(a).

<sup>4</sup> 52 Pa. Code § 5.65(a).

<sup>5</sup> 52 Pa. Code § 5.331(b)

<sup>6</sup> 52 Pa. Code § 5.322

THEREFORE,

IT IS ORDERED:

1. That the objections of Richard N. Myers, filed on May 6, 2024 and November 12, 2024, shall be treated as amendments to the Formal Complaint.
2. That PPL Electric Utilities Corporation shall file any answer or other appropriate pleadings responsive to the amended Formal Complaint, within 20 days of entry of this order.
3. That, on or before March 14, 2025, the parties shall exchange, in writing, the following information regarding factual and expert witnesses:
  - a. Any party wishing to present factual testimony of any person other than the Complainant must provide to the other party in writing, the name and business address of that person and a summary of the expected testimony of that person.
  - b. If no factual testimony will be presented, the parties shall provide a writing to the opposing party stating this fact.
  - c. Any party wishing to present expert testimony (including but not limited to medical, technical, etc.) must provide to the other party in writing, the name and business address of that expert and a summary of the expected testimony of that expert.
  - d. If no expert testimony will be presented, the parties shall provide a writing to the opposing party indicating this fact.
4. That, no later than April 4, 2025, the parties shall confer and attempt to agree on two or more proposed dates for a hearing to be held in July of 2025.

5. That, on or before April 11, 2025, the parties shall file a status report in this proceeding and serve a copy upon the opposing party and the undersigned Presiding Officer. The status report shall identify the two or more dates they agreed to propose for a telephonic hearing. In the event the parties are not able to agree on proposed hearing dates, the parties must identify *all* dates in the month of July of 2025 on which the parties and their witnesses are available for a hearing. Absent receipt of this information, a hearing date will be established by the undersigned Presiding Officer, and the parties and their witnesses will make themselves available at the scheduled date and time.

Date: January 22, 2025

\_\_\_\_\_  
/s/  
Erin L. Gannon  
Administrative Law Judge

**C-2024-3045577 - RICHARD MYERS v. PPL ELECTRIC UTILITIES CORP**  
***Revised 11/21/2024***

RICHARD MYERS OWNER/OPERATOR  
SELF EMPLOYED  
1948 PINE DRIVE  
LANCASTER PA 17601  
**717.393.6813**  
[ftf317@aol.com](mailto:ftf317@aol.com)

Served via email and USPS First-class mail January 22, 2025

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](mailto:pkramer@postschell.com)

Served via eService January 22, 2025  
*(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](mailto:dryan@postschell.com)

Served via eService January 22, 2025  
*(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](mailto:nstobbe@postschell.com)

*(Counsel for PPL Electric Utilities)*  
Served via eService January 22, 2025

KIMBERLY A KLOCK ESQUIRE  
PPL SERVICES CORP  
2 NORTH 9TH ST  
ALLENTOWN PA 18101  
**610.774.5696**  
[kklock@pplweb.com](mailto:kklock@pplweb.com)  
Served via eService January 22, 2025

MICHAEL J SHAFER ESQUIRE  
PPL SERVICES CORP  
2 N 9TH ST  
GENTW3  
ALLENTOWN PA 18101  
**610.774.2599**  
[mjshafer@pplweb.com](mailto:mjshafer@pplweb.com)  
Served via eService January 22, 2025

**APPENDIX D**  
**Original Complaint**

Date Emails Sent: 1/19/2024  
Serengeti Matter # 202400086



**PUC CUSTOMER COMPLAINT INFORMATION FORM**

Docket No.: C-2024-3045577

Complainant: Richard Myers

Date Served: 1/19/2024

Field Due: 1/31/2024

Answer Due: 2/8/2024

Type of Complaint: Service Related - AMI Issues

Attorney: Post & Schell

Customer Account [REDACTED]

Attached please find a Formal Complaint filed with the Pa PUC against PPL Electric. Should you have any questions or concerns regarding this Complaint please contact Michelle Bartolomei at 610-774-4254 or [mlbartolomei@pplweb.com](mailto:mlbartolomei@pplweb.com)

WATT ID: 4150241

Witness Expertise: \_\_\_\_\_

## Bartolomei, Michelle Lynne

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**From:** RA-PCESERVE@pa.gov  
**Sent:** Friday, January 19, 2024 12:41 PM  
**To:** Klock, Kimberly A  
**Cc:** Bartolomei, Michelle Lynne  
**Subject:** PA PUC eServe Notice

**Importance:** High

**EXTERNAL email. STOP and THINK before responding, clicking on links, or opening attachments.**

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Dear Kimberly A Klock,

A(n) **Formal Complaint** has been served in this proceeding. This document is docketed as **C-2024-3045577**. You may view this document at [Formal Complaint - Myers](#)

You are receiving this email because you are a(n) **Respondent** for this case and have agreed to be served electronically. By selecting electronic service (eService), you have agreed that this notification constitutes valid service. Electronic service of any and all documents will be in place of paper service.

Thank You,  
Public Utility Commission  
Commonwealth of Pennsylvania

*\* Please do not respond to this automatically generated email.*

*PUC has recently updated E-Service delivery E-Mail address to RA-PCESERVE@pa.gov. Please update your Address book and/or E-Mail rules accordingly.*

**FORMAL COMPLAINT - PRINTABLE FORM**

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an informal complaint.



Please legibly complete this form in ink.

**1. CUSTOMER (COMPLAINANT) INFORMATION**

Provide your contact information and utility account number. *It is your responsibility to update the PUC with any changes to your address and to where you want documents sent to you.*

Name RICHARD N. MYERS  
Street/P.O. Box 1948 PINE DRIVE Apt# \_\_\_\_\_  
City LANCASTER State PA Zip 17601  
County LANCASTER

Telephone Number(s) Where We Can Contact You During the Day:

Home: (717) 393-6813 Mobile: NONE  
Email Address FTE317@AOL.COM

Utility Account Number (from your bill) [REDACTED]

**If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.**

Name NOT APPLICABLE  
Street/P.O. Box \_\_\_\_\_ Apt# \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

FPL ELECTRIC

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Electric | <input type="checkbox"/> Storm Water   |
| <input type="checkbox"/> Gas                 | <input type="checkbox"/> Steam Heat  |
| <input type="checkbox"/> Water               | <input type="checkbox"/> Motor Carrier (taxi, moving company, limo)          |
| <input type="checkbox"/> Wastewater/Sewer    | <input type="checkbox"/> Telephone/Telecommunications (local, long distance) |

Note: The PUC does not regulate high-speed internet service, cell phones or cable TV.

#### 4. REASON FOR COMPLAINT

What kind of problem are you having with the utility or company?

Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have them.
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

Other (explain) RELOCATE SMART METER

SEE ATTACHED

## 5. REQUESTED RELIEF

### How do you want your complaint to be resolved?

Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

DIRECT PPL ELECTRIC TO PERMIT MY ELECTRICAL

CONTRACTOR TO USE 2 PPL POLES TO CONNECT

ELECTRIC SERVICE TO MY RESIDENCE

SEE ATTACHED DRAWING

**Note:** The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

## 6. PROTECTION FROM ABUSE (PFA)/DOMESTIC VIOLENCE

Has a court granted you a PFA order or any other order which provides clear evidence of domestic violence against you that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Has a court granted a PFA order or any other order for your personal safety or welfare?

Yes      If your answer is "yes," attach a copy of the current PFA order to this Formal Complaint form. *Due to the confidential nature of the PFA, you cannot eFile your Formal Complaint. You will need to print out this form and mail it to the Secretary of the Commission.*

No

**Note:** You **MUST** answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

Yes

No

Note: If you are appealing a decision by the Bureau of Consumer Services (BCS) of the PUC, you must first contact the utility or company to which you are appealing to discuss the problem. The question in section 1b, and answer to that question, will be relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

Yes

No

Note: You MUST contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility, and (3) your complaint is about a billing problem, a service problem, a termination of service, or a request for a payment agreement.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

PPL'S ELECTRIC CONTRACTOR SAID HE WAS NOT  
AUTHORIZED TO GRANT MY REQUEST

Note: If you are unable to speak to a utility or company representative about your problem before you file a formal complaint with the PUC.

## 8. TWO OPTIONS TO FILE YOUR FORMAL COMPLAINT — CHOOSE ONE

### **OPTION 1**

#### **Electronically by eFile**

One option is to create an account on the PUC's eFiling system, or, use your existing eFiling account. **This is the quickest and easiest way to receive, file and submit documents.**

**eFiling** permits consumers, utilities and attorneys to file certain documents electronically with the PUC without filing paper copies, serve documents electronically on other parties if they agree to such service, and to receive electronic service of documents from the PUC.

You agree to open and use an eFiling account - free of charge through the PUC's website. By selecting this method, you will electronically receive documents.

Visit <https://efiling.puc.pa.gov/> to learn more and create an eFiling account.

You will automatically receive eService with your eFiling account.

### **OPTION 2**

#### **Mail**

Mail the completed form with your original signature and any attachments to this address and retain the tracking information as proof of submission:

**Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, Pennsylvania 17120**

If you select the option to mail your formal complaint, you are required to select the method by which you would like the PUC to communicate with you. You must choose one of the three options on the next page for ways you would like to receive documents.

**It is REQUIRED to select ONE of the following options for receiving all hearing notices, orders and related documents from the PUC:**

**OPTION 1**

**eFILING:** This is the quickest and easiest way to receive all documents. You agree to open and use an eFiling account - free of charge through the PUC's website. By selecting this method you will electronically receive documents. To create an eFiling account, visit <https://efiling.puc.pa.gov/>.

You will automatically receive eService with your eFiling account.

**OPTION 2**

**FIRST CLASS MAIL:** You agree to receive all documents by First Class Mail (using the address you provided on Page 1).

Check the box and initial here \_\_\_\_\_ if you are selecting **FIRST CLASS MAIL** service.

**OPTION 3**

**EMAIL:** You agree to receive all documents by email (using the email address you provided on page 1). Keep in mind, you will only be able to receive documents by email from the PUC. You will not be able to email documents to the Commission.

To file documents, you must submit them through an eFiling account or mail them. To create an eFiling account, visit <https://efiling.puc.pa.gov/>.

Check the box and initial here RM if you are selecting **EMAIL** service.

Please Note: It is important to select **ONE** of the three options above. IF NO OPTION IS NOT SELECTED, THIS MAY DELAY THE PROCESSING OF YOUR COMPLAINT.

## 10. LEGAL REPRESENTATION

If you are filing a Formal Complaint as an individual on your own behalf, you are NOT required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's contact information, which is required. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name \_\_\_\_\_  
Street/P.O. Box \_\_\_\_\_ Apt# \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Area Code/Phone Number \_\_\_\_\_  
Email Address \_\_\_\_\_

**Note:** Corporations, associations, partnerships, limited liability companies and political subdivisions are **required** to have a lawyer represent them at a hearing **and** to file any motions, answers, briefs or other legal pleadings.

## 11. VERIFICATION AND SIGNATURE

You **MUST** sign and date your complaint. If you file by mail, you must sign your name in ink on the line provided below. Date the form. If you do not sign with your original signature and date, the PUC will not accept your complaint.

Verification:

I, RICHARD N. MYERS, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

  
(Signature of Complainant)

JANUARY 16, 2024  
(Date)

\_\_\_\_\_  
Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

**Note:** If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC will **not** accept it.

If you are appealing a BCS decision: follow the directions in the cover letter you received from the PUC Secretary's Bureau with the formal complaint form. **ONLY** formal complaints appealing a BCS decision can be filed by fax, email or overnight delivery to meet filing deadlines. **All other formal complaints MUST be eFiled or mailed.**

## QUESTIONS

If you have any questions about filling out this form, please contact the **Secretary's Bureau at 717-772-7777.**

## REMINERS

Keep a copy of your Formal Complaint for your records.

If you are electronically filing your Formal Complaint through eFiling, you will need to scan the document and save it as a PDF.

You may add any additional information, such as copies of bills, as one (1) separate attachment to your complaint.

To protect your personal information, please know that your complaint form and the utility's answer will not be published to the PUC's website.

Check the Consumer Complaints Procedures Guide for checklists and tips to help you successfully follow the complaint-filing process.

<https://www.puc.pa.gov/media/1477/consumer-complaints-procedures-guide-2021.pdf>

Once your complaint case moves to the PUC's Office of Administrative Law Judge, any filings you make should be marked **confidential** if you do not want them published to the website.

Due to the Commonwealth Court's November 3, 2023 ruling in my smart meter Appeal I have initiated the process of relocating the smart meter mounted near the front door of my home at 1948 Pine Drive, Lancaster to my front yard/roadside property line, a distance of approximately 110 feet.

PPL now uses two (2) telephone poles to provide service to my house. One pole is near my front yard property line close to where I intend to mount my smart meter socket. The second pole is near the side of my house. Both poles supply electric service to my house and also my neighbor's house at 1946 Pine Drive. Please see attached drawing.

PPL's contractor informs me PPL will not allow PPL's two aforementioned poles to be used to connect service via my relocated meter. Instead, I must install two (2) new poles.

This doesn't seem reasonable to me because:

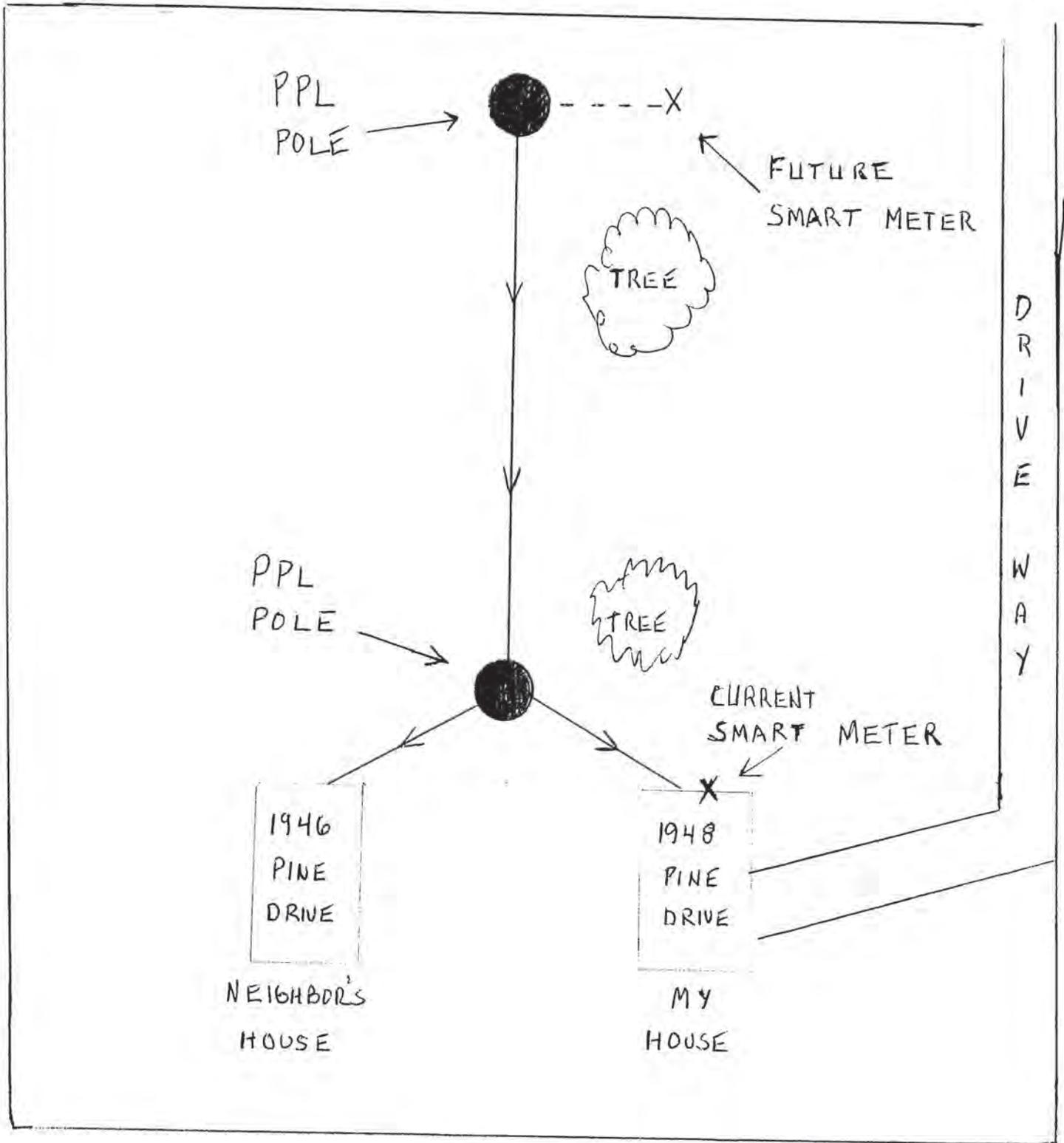
1. The two poles already being used provide electric service to my house and my relocated meter is not additional or new service.
2. There are no trees between the two existing poles that interfere with the wire run. The pole locations are ideal. However, two trees in my front yard would interfere with a service wire run from the new meter location to the front of my house.
3. No where in my neighborhood am I aware that each and every house has its own dedicated set of poles. Rather, it is common that poles are shared to feed lines to more than one customer.
4. PPL Electric is using my home as an antenna base or link to transfer data to other houses in their mesh for commercial profit. I request the same consideration and cost savings principle apply to me.
5. My contractor's quote to relocate my smart meter is \$7,995 not counting permit, PPL fees and unknowns. I cannot afford to waste money installing two poles that are not necessary.
6. Appearance. Two redundant poles side by side (4 total) are unsightly, wasteful and detract from neighborhood esthetics.

In conclusion, *Title 66 PA Section 1501* requires the PUC to ensure utilities provide safe and reasonable service to customers. The cost to install two new, unnecessary poles right beside two existing poles does not seem reasonable to me. Request PUC please direct PPL to honor Mr. Myers request to use the existing two poles to reconnect electric service from his relocated smart meter, barring no overriding safety or valid technical requirement.



Richard Myers  
1948 Pine Drive

# PINE DRIVE



**APPENDIX E**  
**PPL Electric's Original Answer**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Richard Myers,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3045577
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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**ANSWER OF PPL ELECTRIC UTILITIES  
CORPORATION TO THE COMPLAINT OF RICHARD MYERS**

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TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) files this Answer to the Complaint of Richard Myers (“Complainant”) pursuant to Section 5.61 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code § 5.61, and responds to each of the separately-numbered paragraphs as follows:

**ANSWER**

1. Admitted.
2. Denied as stated. The Company’s full name is PPL Electric Utilities Corporation.
3. Admitted.
4. Admitted in part and denied in part. Specifically, it is admitted that the Complainant requests to relocate Complainant’s automated metering infrastructure (“AMI”) meter at 1948 Pine Drive Lancaster, PA 17601 (“Service Address”). It is denied PPL Electric “will not allow” Complainant to relocate his AMI meter. It is denied PPL Electric’s actions constitute unsafe or

unreasonable service under 66 Pa.C.S. § 1501 or otherwise violates the Public Utility Code, a Commission Order, or the Company's Commission-approved Tariff. It is also denied PPL Electric "is using [Complainant's] home as an antenna base or link to transfer data to other house in [its] mesh for commercial profit." Additionally, the Complainant attaches a series of documents and drawings to the Complaint. Those are written documents, the terms of which speak for themselves. Any characterization of the same is denied. Further, the Complainant attaches documents to the Complaint that contain legal conclusions to which no response is required. To the extent a response is deemed necessary, PPL Electric denies the same.

In further response, the Complainant requested the AMI meter be relocated to his "frontside/roadline property line" in a work order submitted to the Company on January 15, 2024. PPL Electric had not evaluated Complainant's request before Complainant filed this Formal Complaint on January 16, 2024. PPL Electric is willing to relocate the new AMI meter to a location that is mutually acceptable to both the Company and the Complainant. Under PPL Electric's Commission-approved tariff, the Complainant would have to bear the estimated expenses of relocating the Company-owned facilities, including the meter, to that new location. *See* Tariff Rule 4(I)(2), Supp. No. 59 to Electric Pa. P.U.C. No. 201, Third Revised Page No. 8E.

In addition, nothing in the Public Utility Code, the Commission's orders and regulations, or PPL Electric's Smart Meter Deployment Plan states that a customer can opt-out of, or rescind, a smart meter installation. Indeed, on August 16, 2022, the Supreme Court of Pennsylvania issued its Opinion affirming in part and reversing in part the Commonwealth Court's decision in *Povacz*.<sup>1</sup> Specifically, the Supreme Court in *Povacz* held that: (1) Act 129

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<sup>1</sup> *Povacz v. Pa. PUC*, 280 A.3d 975 (Pa. 2022).

mandates the systemwide installation of smart meters; (2) the PUC applied the correct burden of proof standard in the smart meter complaint cases arising under Section 1501 of the Public Utility Code; (3) an electric distribution company (“EDC”) cannot be required to provide an accommodation to a customer absent a Section 1501 violation; and (4) even if a smart meter complainant meets their burden of proof, the complainant is only “entitled to an accommodation to the extent allowed by Act 129 and a utility’s tariff.”<sup>2</sup> Here, the relief authorized by the Company’s Tariff is to relocate the AMI meter at the Complainant’s expense.

In further response, PPL Electric incorporates Paragraph 5, *infra*, as though fully set forth herein.

5. Denied. The averments contained in Paragraph 5 of the Complaint are requests for relief to which no responsive pleading is required. To the extent a response is deemed necessary, PPL Electric denies that the Complainant is entitled to the relief requested.

In further response, PPL Electric incorporates Paragraph 4, *supra*, as though fully set forth herein.

6. Paragraph 6 of the Complaint relates to Protection from Abuse orders, to which no responsive pleading is required.

7. Admitted in part and denied in part. Specifically, it is admitted that the Complaint is not a timely appeal of a decision by the Commission’s Bureau of Consumer Services (“BCS”). It is denied Complainant spoke with Company representatives regarding the engineering requirements of any proposed relocation of Complainant’s AMI meter after Complainant’s request was received.

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<sup>2</sup> *Id. at 1012-14.*

In further response, PPL Electric incorporates Paragraphs 4 and 5, *supra*, as though fully set forth herein.

8. Paragraph 8 relates to methods for filing the Complaint, to which no responsive pleading is required.

9. Paragraph 9 relates to the Complainant's preferred methods of service, to which no responsive pleading is required.

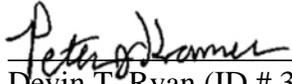
10. Paragraph 10 pertains to the Complainant's legal representation, to which no responsive pleading is required.

11. Paragraph 11 sets forth the verification and signature, to which no responsive pleading is required.

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Complaint of Richard Myers be denied in its entirety and with prejudice as against PPL Electric Utilities Corporation.

Respectfully submitted,

Kimberly A. Klock (ID # 89716)  
Michael J. Shafer (ID # 205681)  
PPL Services Corporation  
Two North Ninth Street  
Allentown, PA 18101  
Phone: 610-774-2599  
Fax: 610-774-4102  
E-mail: [kklock@pplweb.com](mailto:kklock@pplweb.com)  
[mjshafer@pplweb.com](mailto:mjshafer@pplweb.com)

  
Devin T. Ryan (ID # 316602)  
Peter J. Kramer (ID # 331797)  
Nicholas A. Stobbe (ID # 329583)  
Post & Schell, P.C.  
17 North Second Street, 12th Floor  
Harrisburg, PA 17101-1601  
Phone: 717-731-1970  
Fax: 717-731-1985  
E-mail: [dryan@postschell.com](mailto:dryan@postschell.com)  
[pkramer@postschell.com](mailto:pkramer@postschell.com)  
[nstobbe@postschell.com](mailto:nstobbe@postschell.com)

Date: February 8, 2024

Attorneys for PPL Electric Utilities Corporation

## VERIFICATION

I, MICHAEL J. SHAFER, being Senior Counsel at PPL Services Corporation, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect PPL Electric Utilities Corporation to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: February 11, 2025



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Michael J. Shafer