

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Harrisburg, Pennsylvania 17120**

**Gregory and Donna Kollmar**  
**v.**  
**West Penn Power Company**

**Public Meeting held March 13, 2025**  
**3014650-OSA**  
**Docket No. C-2019-3014650**

**MOTION OF VICE CHAIR KIMBERLY BARROW**

Before us for consideration are the Exceptions in the smart meter Formal Complaint filed by Gregory and Donna Kollmar. The Formal Complaint here was filed prior to *Povacz v. Pennsylvania Public Utility Commission*, 280 A.3d 975 (Pa. 2022), and raised several allegations related to smart meters. The Kollmars allege that a smart meter can cause house fires and can be used as a tracking device. An Initial Decision was issued on May 21, 2024, dismissing the Formal Complaint. The Administrative Law Judge (ALJ) determined that customers challenging smart meter installations are unable to meet their burden of proof if they do not present expert testimony. I disagree with this blanket determination.

Consistent with the holding in *Erik McDarby v. Metropolitan Edison Company*, Docket No. C-2019-3007312 (Order entered November 12, 2024), and with the holding in *Povacz*, not every smart meter related claim requires expert testimony. Although expert testimony may be useful to support the Kollmars' claims, it is not required in all cases. When the *Povacz* Court held that expert testimony was needed to prove that smart meter installation constituted unreasonable service, its holding was limited to the need for expert testimony linking RF emissions with adverse health effects. That is, "[w]hether a causal connection exists between RF emissions and adverse health effects 'involves explanations and inferences not within the range of ordinary training, knowledge, intelligence and experience.'" *Povacz*, 280 A.3d at 1007.

Accordingly, it was improper for the ALJ to grant West Penn's Motion for Summary Judgement as the Kollmars were not required as a matter of law to present an expert witness to support their claims. Since the Kollmars are not required nor can be forced to provide expert testimony to support their smart meter claims, the November 28, 2023 Interim Order requiring the identification of an expert witness cannot be used as a basis to dismiss the Complaint.

**THEREFORE, I MOVE THAT:**

1. The Exceptions filed by Gregory and Donna Kollmar are granted, in part, and denied, in part, consistent with this Motion.
2. The Initial Decision issued on May 21, 2024 is vacated, consistent with this Motion.

3. The matter is remanded to the Office of Administrative Law Judge for further proceedings as deemed necessary.

4. The Office of Special Assistants shall prepare an Order consistent with this Motion.

March 13, 2025

  
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Kimberly Barrow, Vice Chair