

April 23, 2025

Via Electronic Filing and Regular Mail

Matthew Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

RE: Pamela Scott v. Duquesne Light Company
Docket No. C-2018-3004042
**COMPLAINANT'S PETITION FOR RECONSIDERATION OF THE FINAL
OPINION AND ORDER**

Dear Secretary Homsher:

Enclosed please find Complainant's Petition for Reconsideration of the Final Opinion and Order, in accordance with 52 Pa. Code § 5.572.

A copy of this letter and document has been served upon ALJ Jeffrey A. Watson, Jeremy V. Farrell of Tucker Arensberg (attorney for Duquesne Light Company), and Emily M. Farah (Counsel, Regulatory, Duquesne Light) in accordance with Commission regulations. In addition, a copy of this Petition has been e-mailed to the Commission's Office of Special Assistants.

Pennsylvania is the only state in the nation that allows its own Supreme Court's prescription for medical exemptions to be overruled by a utility's arbitrarily-conceived and arbitrarily-inserted tariff rule. Duquesne Light Company Tariff Rule 9B approved by the PAPUC in 2019 states: "Customers may not decline smart meter installation for any reason. Instead, as their sole remedy, customers may designate an alternative location on the premises for the smart meter."

The PAPUC should not be in the business of approving tariff rules that defy the Supreme Court of Pennsylvania, nor should they be in the business of practicing medicine without a license. It is time to rescind the 2019 approval of Duquesne Light's Tariff Rule 9B and order them to have a tariff rule that allows analog meter accommodation for medical exemptions, as the Supreme Court of Pennsylvania intended in its 2022 ruling ("Povacz II").

Please feel free to contact me if you have any questions.

Sincerely,

/s/

Pamela Scott
134 Markham Drive
Pittsburgh, PA 15228-1008
(412) 998-8880

Encl: Complainant's Petition for Reconsideration of the Final Opinion and Order
Certificate of Service
Cc: ALJ Jeffrey A. Watson (with enclosure) (via electronic filing and regular mail)
Jeremy V. Farrell, Esq. (with enclosure) (via electronic filing and regular mail)
Emily M. Farah, Esq. (with enclosure) (via electronic filing and electronic mail)
Commission's Office of Special Assistants (with enclosure)(via electronic mail)
Governor Josh Shapiro (with enclosure)
Secretary of Health Dr. Debra L. Bogen (with enclosure)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PAMELA SCOTT	:	
	:	
Complainant,	:	
	:	
vs.	:	Docket No. C-2018-3004042
	:	
DUQUESNE LIGHT COMPANY	:	
	:	
Respondent.	:	

**COMPLAINANT'S PETITION FOR RECONSIDERATION
OF THE FINAL OPINION AND ORDER**

Complainant Pamela Scott, in accordance with 52 Pa. Code § 5.572, hereby submits to the Commission the following Complainant's Petition for Reconsideration.

For the reasons set below, Complainant hereby petitions Chairman Stephen M. DeFrank, Vice Chair Kimberly Barrow, Commissioner Kathryn L. Zerkus, Commissioner John F. Coleman, Jr., and Commissioner Ralph V. Yanora to reconsider their Opinion and Order of April 10, 2025, in which they denied the Complainant's Petition to Reopen the Proceeding for the Purpose of Taking Additional Evidence, filed on December 3, 2024; denied the Complainant's Exceptions to the Initial Decision, filed on November 15, 2024; adopted the Initial Decision of ALJ Jeffrey A. Watson, issued on October 29, 2024; dismissed, with prejudice, the Complainant's Formal Complaint, filed on August 16, 2018; and marked the proceeding closed.

Complainant hereby petitions the Commission to rescind its 2019 approval of Duquesne Light Company's arbitrarily-conceived Rule 9B, and to order Duquesne Light Company to have a tariff rule that allows biologically-inert analog meter accommodation for medical exemptions, as the Supreme Court of Pennsylvania intended in its ruling of August 16, 2022. (*Povacz, et al.*

v. Pa. Public Utility Commission, 280 A.3d 975 (Pa. 2022). ("Povacz II"). This Petition presents a new and novel argument that warrants the Commission's attention, as well as Reconsideration of the present case in which by completely ignoring all of the factual evidence of harm to Complainant the PAPUC and DLC have become practitioners of medicine without a license.

1. The Pennsylvania Public Utility Commission and Duquesne Light Company are together engaged in practicing medicine without a license in the Commonwealth of Pennsylvania. They engage in practicing medicine without a license when they deliberately ignore all of the record evidence of harm to Complainant from microwave radio frequency ("RF") emissions and force smart meter installation as a condition of electric service.

2. Entities within the Pennsylvania Public Utility Commission ("PAPUC") who *are knowingly engaged* in practicing medicine without a license include Administrative Law Judge Jeffrey A. Watson, who authored the Initial Decision, dated October 29, 2024. Administrative Law Judge ("ALJ") Watson heard and was engaged in Complainant's personal testimony at the March 12, 2020, telephonic Evidentiary Hearing. Yet, ALJ Watson totally ignored all of the testimony regarding her condition of Electromagnetic Hypersensitivity Syndrome ("EHS"), as well as her demonstrated adverse health effects from DLC's smart meters, making absolutely no mention of them and failing to consider them in the Initial Decision. Instead of giving any weight to Complainant's factual evidence in this proceeding, he practiced medicine without a license and falsely claimed that Complainant's claims "consisted solely of Complainant's lay opinions and beliefs". (Initial Decision, p. 29.) Also, ALJ Watson falsely averred that there was any record evidence to support Complainant's claims of adverse health effects. Contrast ALJ Watson's glib dismissal with the actual testimony in the proceeding, as well as the adverse health effects listed in the Formal Complaint. No reasonable person hearing or reading the Complainant's testimony would doubt that ALJ Watson was practicing medicine without a license by deeming the Complainant's testimony, formal complaint, or filings to consist "solely of Complainant's lay opinions and beliefs". Complainant demonstrated that she has been harmed, is being harmed, and will continue to be harmed from living within Duquesne Light Company's AMI smart meter mesh network. She has also demonstrated that she experiences life-threatening adverse health effects when she is closer than 28 feet to a DLC smart meter. Check the record evidence yourself: start with pages 2-7 of Complainant's Exceptions (five short pages), and if curious to see all of Complainant's direct testimony see pages 102-182 of the 12 March 2020 Evidentiary Hearing Transcript (80 long pages). As you are Commissioners and not members of the public, the Transcript is easily available to you free of charge.

3. Entities within the Duquesne Light Company ("DLC") who *are knowingly engaged* in practicing medicine without a license include DLC attorney Jeremy V. Farrell, who co-authored DLC's Post-Hearing Brief, dated July 24, 2020. During the March 2020 evidentiary hearing, DLC Attorney Farrell heard and was engaged in Complainant's personal testimony regarding her condition of EHS and the adverse health effects that she has experienced from DLC's smart meters. Duquesne Light Company's post-hearing brief averred that "Rather than presenting competent evidence, Complainant merely offered her opinion that she suffers from EHS and that the installation of a smart meter would exacerbate this purported condition. Complainant's personal beliefs, however, 'no matter how strongly held, do not constitute evidence.'" (DLC Post-Hearing Brief and Proposed Findings of Fact, Conclusions of Law, and Order, p. 32.) Adverse cardiovascular events are not "opinion" or "personal beliefs." They are evidence of harm, and to obfuscate and pretend otherwise when the fact-finder is not a medical professional is in fact practicing medicine without a license.

4. Entities within the Pennsylvania Public Utility Commission who *may be knowingly engaged* in practicing medicine without a license include the Commission's Office of Special Assistants who wrote the Final Opinion and Order dated April 10, 2025, as they may or may not have looked at the evidentiary hearing transcript portions detailing Complainant's EHS and adverse health effects from RF and Duquesne Smart meters in particular. The Office of Special Assistants ("OSA") certainly ignored and mischaracterized the five short pages of Complainant's Exception #2, which they appear to have not read. Things like damaged eyes are not "lay opinions" (Opinion and Order, bottom of p. 33 and top of p. 34). Damaged eyes are evidence (Exceptions, p. 4-5, referencing Tr. 110). The heart arrhythmias, palpitations, vertigo, and joint pain listed in the Formal Complaint are not "lay opinions and beliefs" (Opinion and Order, p. 24 and 34). They are adverse health effects, and pretending otherwise when ruling on someone's fate is practicing medicine without a license.

5. Entities within the Pennsylvania Public Utility Commission who *may be unknowingly engaged* in practicing medicine without a license include Commission Chairman Stephen M. DeFrank, Commission Vice Chair Kimberly Barrow, Commissioner Kathryn L. Zerfuss, Commissioner John F. Coleman, Jr, and Commissioner Ralph V. Yanora who adopted the Final Opinion and Order without any discussion at their public meeting on April 10, 2025. These individuals may or may not have looked at any of the evidence record, Complainant's Exceptions, or Petition to Reopen the Proceeding for the Purpose of Taking Additional Evidence.

These individuals may have simply adopted former Commission Secretary Rosemary Chiavetta's recommendation without any research, thought, or discussion. The five Commissioners may not have realized that the evidentiary record had been closed on March 12, 2020. Unlike DLC's filings, Complainant's filings are very short, concise and easy to take a glance at on the online Docket. Complainant urges the individuals listed in this paragraph to at the very least look at some of the evidence presented in the Complainant's direct testimony by reading five pages that will prove to you that you are personally engaged in practicing medicine without a license: pages 2-7 of Complainant's Exceptions. Exception #2 starts near the bottom of page 2.

6. Outside of the purview of this Petition for Reconsideration, which is based on the fact that the PAPUC and DLC are practicing medicine without a license, there are many issues of error and falsehoods contained in the Commission's April 10, 2025 Opinion and Order. Such other issues will be appealed separately to the Commonwealth Court of Pennsylvania, as indicated by Complainant's Notice of Intent to Appeal to the Commonwealth Court of Pennsylvania that was filed with the PAPUC on April 10, 2025.

7. Throughout the entire time of the present case, DLC and its expert witnesses have presented zero conclusive evidence that Complainant is not being harmed by wireless technology or DLC smart meters. They have no proof of anything, just empty platitudes. Commissioners, which is more convincing to you?: DLC spin or the Complainant's plain, factual testimony and filings regarding her adverse health effects from microwave RF emissions?

8. Duquesne Light Company averred that their sole medical witness, Dr. Gabor Mezei, "explained that EHS is not a recognized medical diagnosis." Duquesne Light is splitting hairs here and practicing medicine without a license by spinning the words of the expert witness. Dr. Mezei did not explain **why** EHS is not a recognized medical diagnosis, he merely answered the DLC Counsel's question of "Now, Ms. Scott claims to have electromagnetic hypersensitivity. Let me just ask you generally, is that a recognized medical diagnosis?" And Dr. Mezei replied, "To my knowledge, no." (Tr. 316-317.)

Again, Dr. Mezei did not explain **why** EHS is not a "recognized medical diagnosis", but he did go on to further say that idiopathic environmental intolerance as related to EMF is also the name to characterize individuals who identify themselves as electromagnetic hypersensitive individuals. And Dr. Mezei explained that "Idiopathic implies that we do not know the cause of a disease." (Tr. 319.)

Dr. Mezei did not mention that The World Health Organization (WHO) officially acknowledged EHS as an adverse health condition in its 2005 fact sheet No 296. Or that the WHO said that because of non--specific symptoms and no clear diagnostic criteria, that this "disabling condition" of EHS could not be diagnosed medically.

It is unclear whether Dr. Mezei was aware that EHS had the status of a recognized handicap in Iceland, Norway, Sweden, Finland, and Denmark (but not as a disease due to a lack of diagnostic criteria for EHS).

Also, it is unclear whether Dr. Mezei was aware that since 2016 EHS has been recognized as "Overexposure to Non-ionizing Radiation, sequelae (ICD10 W.90.8XXA)" in the International Classification of Diseases, Tenth Revision, Clinical Modification (ICD-10-CM) that is used to code and classify medical diagnoses.

In short, Dr. Mezei answered the question of "Is EHS a recognized medical diagnosis?" by answering "To my knowledge, no." But as a witness paid for by DLC ratepayers, Dr. Mezei did not go into EHS being a recognized "adverse health condition", a recognized "disabling condition", a recognized "handicap", or a recognized classification.

9. Unlike the PAPUC and DLC, who are practicing medicine without a license, Dr. Gabor's report clearly states that "My opinions are expressed herein to a reasonable degree of scientific and medical certainty. I reserve the right to revise my opinions as more information becomes available."

10. While practicing medicine without a license, the ALJ and OSA have both also parroted this "Dr. Mezei explained that EHS is not a recognized medical diagnosis" to make it sound like EHS does not exist at all, when in fact it is at the very least in some jurisdictions and professional quarters recognized as an adverse health condition, recognized as a disabling condition, recognized as a handicap, and recognized as a classification in clinical medicine. (Initial Decision, p. 26; Opinion and Order, p. 22.)

11. It is worth noting that DLC's expert medical witness, Dr. Gabor Mezei, has never met or treated the Complainant and, at the time of his testimony and the closing of the evidentiary record back on 12 March 2020, he had not been a practicing physician for over a quarter of a century. (Early in his career he had been a practicing physician at the National

Institute for Dermatoloy in Budapest, Hungary. See DLC Exhibit G-1, p. 1 of Appendix A of "Report of Gabor Mezei, M.D., Ph.D." dated March 3, 2020.) This is in stark contrast to the medical opinion embodied in an excerpt from a 2024 consulting physician's letter to another utility on behalf of the Complainant: "Because Pamela has significant cardiovascular symptoms related to RF-EMF emissions from smart meter exposures in other situations (anginal type chest pressure and cardiac arrhythmias), I am very concerned about the health effects that may result from placement of a wireless utility meter of any kind (water, electric or gas) on her home. My biggest concern is for arrhythmias, increased risk of sudden cardiac death or cardiovascular events (heart attack or stroke). My secondary concern is for exacerbation of her diabetes and increasing blood glucose levels, as wireless radiation exposure has been shown to cause." This physician is a subject matter expert in the field of EMF- and EHS-related illnesses, and one who -- unlike DLC's expert medical witness -- actually treats patients.

12. Pennsylvania is the only state in the nation that allows its own Supreme Court's prescription for medical exemptions to be overruled by a utility's arbitrarily-conceived and arbitrarily-inserted tariff rule. Thus, the PAPUC and a utility such as DLC engage in practicing medicine without a license in order to prevent any customers from not having forced installation of a smart meter on their premises. Duquesne Light Company's Tariff Rule 9B (which dates from 2019) states: "Customers may not decline smart meter installation for any reason. Instead, as their sole remedy, customers may designate an alternative location on the premises for the smart meter."

13. Duquesne Light's Tariff Rule 9B blatantly defies the Supreme Court of Pennsylvania's prescription for medical exemptions from smart meters.

14. In order to comply with Povacz II and not continue to practice medicine without a license, Duquesne Light's tariff must allow for medical exemptions from having smart meters installed on the properties of those who are highly sensitive to adverse effects from microwave RF emissions or are a member of an especially vulnerable group. Duquesne Light's tariff should allow true analog meters that simply measure electric usage. Povacz II clearly provides for this: "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." (Povacz II, page 7.)

15. The PAPUC should not be in the business of approving tariff rules that defy the Supreme Court of Pennsylvania's prescription for medical exemptions.

16. It is not in the public interest for the PAPUC and DLC to be practicing medicine without a license.

THUS, Complainant respectfully requests that the PAPUC stop practicing medicine without a license.

THUS, Complainant respectfully petitions the Commission to rescind its 2019 approval of Duquesne Light Company's arbitrarily-conceived Tariff Rule 9B, and to order Duquesne Light Company to have a tariff rule that allows biologically-inert analog meter accommodation for medical exemptions, as the Supreme Court of Pennsylvania intended in its 2022 ruling ("Povacz II"). Complainant also asks the Commission grant this Petition for Reconsideration and modify its 10 April 10 2025 Final Opinion and Order.

Respectfully submitted,

/s/

Pamela Scott, Complainant (E-filed on April 23, 2025)
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