

May 5, 2025

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Keystone Bldg. 2nd Floor W
400 N. Street
Harrisburg, PA 17120

RE: Pamela Scott v. Duquesne Light Company
Docket No. C-2018-3004042

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Answer To Complainant's Petition For Reconsideration.

A copy of this document has been served upon Complainant in accordance with Commission regulations.

Sincerely,



Jeremy V. Farrell
Attorney for Duquesne Light Company

Enclosure

c: Pamela Scott (w/enc.) (via regular mail)
Administrative Law Judge Jeffrey A. Watson (w/enc.) (via email)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PAMELA SCOTT,

Complainant,

No: C-2018-3004042

v.

DUQUESNE LIGHT COMPANY,

Respondent.

**ANSWER TO COMPLAINANT'S
PETITION FOR RECONSIDERATION**

Filed on Behalf of Respondent:
Duquesne Light Company

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

ANSWER TO COMPLAINANT’S PETITION FOR RECONSIDERATION

Respondent Duquesne Light Company (“Duquesne Light” or the “Company”) files its Answer to the Petition for Reconsideration filed by Complainant Pamela Scott.

I. INTRODUCTION

Duquesne Light, pursuant to 52 Pa. Code §§ 1.12, 5.61, and 5.572, respectfully submits this Answer to the Petition for Reconsideration filed by Complainant on April 23, 2025 (“Petition”). In her Petition, Complainant seeks reconsideration because, among other reasons, she allegedly has presented “new and novel” arguments not considered by the Pennsylvania Public Utility Commission (the “Commission”) in its April 10, 2025 Opinion and Order dismissing her Complaint (“April 10, 2025 Order”).

Complainant’s Petition lacks merit and is largely based off of a regurgitation or spinoff of arguments previously raised by Complainant throughout this proceeding, as well as a series of flawed accusations about the practice of medicine without a license. Complainant’s Petition disregards established law in Povacz, et al. v. Pa. PUC, 280 A.3d 975 (Pa. 2022) (“Povacz II”). Namely, the Supreme Court in Povacz II held that: (1) Act

129 of 2008 (“Act 129”) mandates the systemwide installation of smart meters; (2) the PUC applied the correct burden of proof standard in 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 complainant meets its burden of proof for alleged Section 1501 violations, the complainant is merely “entitled to an accommodation to the extent allowed by Act 129 and a utility’s tariff.” 280 A.3d at 1014.

A petition for reconsideration, if granted, disturbs a final order. Pa. PUC v. Phila. Gas Works, Docket No. R-2008-2073938, 2009 LEXIS 596, at *4 (Pa. P.U.C. Mar. 26, 2009). Thus, a petition for reconsideration may only “be granted judiciously and under appropriate circumstances.” Id. A petition for reconsideration will not be granted unless it raises “‘new and novel arguments’ not previously heard or considerations that appear to have been overlooked or not addressed by the Commission.” Id. (relying on Duick v. PG&W, 56 Pa. P.U.C. 553, 559 (Pa. P.U.C. Dec. 17, 1982)). Moreover, parties “cannot be permitted by a second motion to review and reconsider, to raise the same questions which were specifically decided against them.” Duick, 56 Pa. P.U.C. at 559. None of these circumstances are present here to justify reconsideration.

Complainant’s Petition does not raise any new evidence; it merely reiterates all the same contentions properly rejected by ALJ Watson and the Commission. Complainant also fails to assert a substantial change in circumstances or an error of fact or law that would entitle her to the extreme remedy of reconsideration. Rather, Complainant raises severe, yet unfounded accusations against the Commission, ALJ Watson, and Duquesne

Light and its counsel alleging that they are all “practicing medicine without a license.” Petition, at 2. Complainant’s accusations lack merit and demonstrate a clear misunderstanding of the legal process and procedure, which allows regulatory bodies, like the Commission, to evaluate and weigh the evidence presented and draw conclusions accordingly. Not only has Complainant failed to meet her burden of proof throughout this proceeding, but none of the arguments in her Petition warrant the severe remedy of disturbing a final order. For these reasons, Complainant’s Petition should be denied.

II. BACKGROUND

Complainant is a Duquesne Light customer at a property located at 134 Markham Drive, Pittsburgh, Pennsylvania 15228 (the “Service Location”). On August 16, 2018, Complainant filed a Formal Complaint with the Commission against Duquesne Light. See Complaint (filed on August 16, 2018). The Formal Complaint alleges that Duquesne Light is not permitted to install a smart meter at her residence, that it is not permitted to shut off her electric service for refusal to allow a smart meter to be installed, and that she is entitled to an exemption because the Company’s smart meter allegedly causes her adverse health conditions. See Complaint. As relief, Complainant seeks to prevent the Company from terminating her service until this dispute is resolved or until a state law is passed to permit an opt-out from smart meter programs. See Complaint. The Company filed its Answer and New Matter to the Formal Complaint denying Complainant’s allegations and asserting that it is required by Act 129 to install a smart

meter at the service addresses of all customers within its service territory, including Complainant. See Answer and New Matter.

On January 24, 2020, the Company filed a Motion *In Limine* seeking to preclude Complainant from offering Mr. Joshua Hart as an expert witness because Mr. Hart is not qualified to offer expert testimony about alleged “adverse health effects from smart meter installations” and Complainant failed to provide the Company with the substance of the facts and opinions to which he was expected to testify, the grounds for each opinion, or a valid expert report of curriculum vitae for Mr. Hart. See Respondent’s Motion *In Limine* to Preclude Joshua Hart From Testifying As Expert Witness, pp. 4–6. The Presiding ALJ entered an Interim Order on February 25, 2020, precluding any testimony from Mr. Hart, beyond the fair scope of an email communication from Mr. Hart to the California Council on Science and Technology dated January 27, 2011. See Interim Order (filed Feb. 25, 2020).

An evidentiary hearing was held on March 12, 2020. See Initial Decision, p. 6. At the hearing, Duquesne Light presented its case through the expert witness testimony of Dr. Benjamin Cotts and Dr. Gabor Mezei, and fact witness testimony of Michael Belanger, Steve Wright, Michael Secchutti, and Ronald Dornin. See Initial Decision, pp. 10–12. Complainant presented her case through the fact witness testimony of herself and Mr. Hart, who notably is not a medical doctor, epidemiologist, public health professional, certified electrician, or electrical engineer. See initial Decision, p. 9. In fact, Mr. Hart had not even met Complainant prior to the hearing and had never seen any medical records regarding the health symptoms identified by Complainant, including electro-

hypersensitivity syndrome, and had never talked to her treating physicians. See Initial Decision, p. 9. The evidentiary record was closed on June 3, 2024.

The well-reasoned Initial Decision of Administrative Law Judge Jeffrey A. Watson (“ALJ”) was issued by Secretarial Letter dated October 29, 2024. Therein, the Presiding ALJ dismissed the Formal Complaint and rejected Complainant’s arguments by holding that Act 129 mandates smart meter deployment and requires the system-wide installation of smart meter technology by EDCs. See Initial Decision, p. 24. The Initial Decision also held that Complainant presented no medical evidence, witnesses, or records at the hearing demonstrating that RF emitted from a smart meter will harm her. Id. at 81. Instead, Complainant presented her lay opinions and beliefs regarding concerns about health, safety, and privacy in connection with smart meters. Id. at 29. It further held that Complainant’s personal beliefs alone do not constitute evidence sufficient to support her claims and thus she failed to carry her burden of proof establishing that Duquesne Light violated the PUC or a regulation or order of the Commission in attempting to install a smart meter at her property. Id. Accordingly, the Presiding ALJ found that Complainant’s claims are not supported by the evidence and must be dismissed. Id. at 35.

On November 15, 2024, Complainant filed Exceptions to the Initial Decision. See Complainant’s Exceptions (filed Nov. 15, 2024). The Company filed its Reply to Complainant’s Exceptions on December 2, 2024. See Respondent’s Reply to

Complainant's Exceptions (filed Dec. 2, 2024).¹ On December 3, 2024, Complainant filed a Petition to Reopen the proceeding for the purpose of taking additional evidence. See Petition (filed Dec. 3, 2024). The Commission entered its Final Order denying Complainant's Exceptions, adopting the Initial Decision, and denying the Formal Complaint on April 10, 2025. Complainant then filed her Petition for Reconsideration on April 23, 2025. For the reasons explained below, the Complainant's Petition lacks merit and should be denied in its entirety.

III. LEGAL STANDARD

The Commission's standard for reviewing petitions for reconsideration following final orders is as follows:

A petition for reconsideration, under the provisions of 66 Pa. C.S. §703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion under this code section to rescind or amend a prior order in whole or in part. In this regard [the Commission] agree[s] with the Court in the Pennsylvania Railroad Company case, wherein it was said that "[p]arties . . . , cannot be permitted by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them" *What [the Commission] expect[s] to see raised in such petitions are new and novel arguments, not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission.* Absent such matters being presented, [the Commission] consider[s] it unlikely that a party will succeed in persuading [it] that [the Commission's] initial decision on a matter or issue was either unwise or in error.

Philip Duick et al. v. Pennsylvania Gas and Water Company, 56 Pa. PUC 553, 558 (Pa. P.U.C. Dec. 17, 1982) (emphasis added).

¹ The Company incorporates by reference its Reply to Complainant's Exceptions as if stated fully herein.

In reviewing a petition for reconsideration, the Commission must use a “totality of the circumstances” approach to determine whether it should exercise its discretion to reconsider. Feleccia v. PPL Electric Utilities Corp., Docket No. C-2016-20016210 (Order entered Mar. 7, 2003). The Supreme Court of Pennsylvania has held that “[b]ecause such relief [of reconsideration] may result in disturbance of final orders, it must be granted judiciously and only under appropriate circumstances.” Pittsburgh v. Pa. Dep’t of Transp., 416 A.2d 461, 465 (Pa. 1980). The petitioner seeking reconsideration bears the burden of establishing “the existence of newly discovered evidence, a substantial change in circumstances, or an error of fact or law.” Althea Poe-Henderson v. Philadelphia Gas Works, Docket No. F-2019-3010206, 2020 LEXIS 249, at *5-6 (Pa. P.U.C. Aug. 6, 2020). In interpreting “newly discovered evidence,” the Commission has cautioned that this means newly discovered evidence “not discoverable through the exercise of due diligence prior to the close of the record.” Duick, 56 Pa. PUC at 558. Thus, a petition for reconsideration cannot be used to allege new arguments which could have, *and should have* been previously raised, but were not.

As explained below, the Commission should deny Complainant’s Petition for Reconsideration because none of Complainant’s arguments meet the high legal standard for reconsideration of a Commission’s final order.

IV. ARGUMENT

The Commission should deny Complainant’s Petition because Complainant has failed to meet the strict standard necessary for reconsideration. Specifically, Complainant has failed to establish any “newly discovered evidence, a substantial change in

circumstances, or an error of fact or law.” Althea Poe-Henderson v. Philadelphia Gas Works, Docket No. F-2019-3010206, 2020 LEXIS 249, at *5-6 (Pa. P.U.C. Aug. 6, 2020). Moreover, Complainant improperly uses her Petition for Reconsideration to present additional extra-record material, all of which could have, *and should have* been previously raised through the exercise of Complainant’s due diligence prior to the close of the record.

Despite Complainant’s characterization of her arguments as “new and novel,” her Petition merely regurgitates the same arguments previously raised during the hearing and in both her post-hearing brief and supplemental brief in support of her core assertion that Duquesne Light is not permitted to install a smart meter at the Service Location. See generally Petition; Complainant’s Post-Hearing Brief; Complainant’s Supplemental Brief. However, in both the Initial Decision and Final Order, ALJ Watson and the Commission properly considered and rejected Complainant’s argument that she is entitled to an “opt-out” of smart meter installation. See Initial Decision, p. 25; April 10, 2025 Order, p. 16.

Ms. Scott’s labelling of any opposition to her position as the unauthorized practice of medicine does not satisfy the stringent standard governing petitions for reconsideration.

In her Petition, Complainant argues that the Commission should grant reconsideration because “The Pennsylvania Public Utility Commission and Duquesne Light Company are together engaged in practicing medicine without a license in the Commonwealth of Pennsylvania” by “deliberately ignor[ing] 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.” See Petition, p. 2. Complainant’s arguments lack merit and should be rejected.

1. Complainant’s Argument Related to Practicing Medicine Without a License Should be Rejected.

Complainant argues that the Commission and Duquesne Light are together engaged in practicing medicine without a license by deliberately “ignoring” all of the alleged record evidence of harm to Complainant; however, this argument is fatally flawed. See Petition, p. 2.

First, this argument, regardless of how Complainant chooses to present it, is not “new and novel.” In fact, Complainant has raised this evidentiary issue on multiple prior occasions. See generally Complainant’s Exceptions (arguing that ALJ Watson erred by improperly weighing the evidence in the record and completely ignoring all of Complainant’s testimony regarding her adverse health effects from RF); see also Complainant’s Petition to Reopen (arguing that there have been significant additions to the scientific and medical bodies of knowledge regarding EHS). Despite Complainant’s dissatisfaction with the outcome of this case, both ALJ Watson and the Commission thoroughly considered all evidence presented at the evidentiary hearing, as reflected in their detailed opinions citing that evidence. Complainant cannot now attempt to revisit the matter for a *third time* by raising the same questions which were specifically considered and decided against her. Thus, Complainant’s argument must be rejected here for failing to meet the strict standard necessary for reconsideration.

Second, Complainant's argument that ALJ Watson "ignored" her testimony regarding her "condition of Electromagnetic Hypersensitivity Syndrome ("EHS")" as well as her "demonstrated adverse health effects from DLC's smart meters" at the March 12, 2020, Evidentiary Hearing is a mischaracterization of the Initial Decision. See Petition, p. 2. To the contrary, ALJ Watson explicitly referenced and considered Complainant's testimony and evidence in his Initial Decision, as reflected in the following Findings of Fact:

6. Complainant fact witness Joshua Hart is the Director of the advocacy ground "Stopsmartmeters.org." Tr. at 40, 76-79.
7. Mr. Hart is not a medical doctor, epidemiologist, public health professional, certified electrician, or electrical engineer and has never met Complainant. Tr. at 54-56.
8. Mr. Hart has never seen any medical records regarding the health symptoms identified by Complainant, including electro-hypersensitivity syndrome, and has never talked to her treating physicians. Tr. at 62.
9. Complainant testified as a fact witness on her own behalf. Tr. at 99-182.
10. Complainant has never been diagnosed with EHS by a medical professional or doctor. Tr. at 174-75.
11. Complainant offered no medical records into evidence at the hearing.

....

81. Complainant presented no medical evidence, witnesses, or records at the hearing demonstrating that RF emitted from a smart meter will harm her.

Initial Decision, pp. 9, 19.

The Pennsylvania Rules of Evidence provide that a lay witness is limited to giving opinion testimony that is rationally based on the witness' own perceptions. Pa. R.E. 701;

Thomas and Norma Mosley v. Metropolitan Edison Co., Docket No. C-2018-3001526, 2024 LEXIS 245, at *11 (Pa. P.U.C. Aug. 1, 2024). Moreover, lay witness testimony only carries evidentiary weight where the witness has actually perceived the situation, and the opinion is not based on scientific, technical, or specialized knowledge. Id.² An ALJ is tasked with weighing the evidence presented and determining which evidence is more credible and persuasive. EnergyMark, LLC, et al. v. Nat'l Fuel Gas Distribution Corp., Docket No. C-2020-3019621, 2022 LEXIS 122, at *26 (Pa. P.U.C. Apr. 14, 2022) (finding that Complainants did not meet their burden of proof because they presented lay opinion testimony that needed additional support to outweigh the credible and persuasive evidence presented by the respondent); see also Daniel K. Weber v. UGI Utilities, Inc., Docket No. C-2010-2164257, 2011 LEXIS 1913, at *3 (Pa. P.U.C. Feb. 7, 2011) (“More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established . . . and uncorroborated opinion testimony.”).

Here, ALJ Watson’s Initial Decision, which was subsequently adopted by the Commission, properly weighed the evidence presented by both Complainant and Duquesne Light. Complainant’s lay opinion testimony, without more, was determined to be unpersuasive against the mounds of credible evidence and testimony, including expert testimony, offered by Duquesne Light throughout this proceeding:

² Duquesne Light notes that although the Commission does not necessarily strictly adhere to the Pennsylvania Rules of Evidence, the Pennsylvania Supreme Court has explicitly stated that any relaxation of the rules of evidence in administrative settings cannot allow lay witnesses to testify to technical matters “without personal knowledge or specialized training.” Id. (citing Gibson v. W.C.A.B., 861 A.2d 938,947 (Pa. 2004)).

15. Duquesne Light presented the testimony of two expert witnesses: Dr. Benjamin Cotts and Dr. Gabor Mezei. Tr. at 228, 288.

....

67. Comprehensive weight of the evidence reviews evaluating the potential health effects of RF were conducted by ICNIRP in 2009, the Health Protection Agency of the United Kingdom in 2012, the International Agency for Research on Cancer (IARC) in 2013, and the European Union Scientific Committee on Non-emerging and Newly-Identified Health Risks (SCENIHR) in 2015, and the FDA in 2020. Tr. at 299, 305-06; DLC Ex. G-1.
68. All of these studies concluded that the scientific evidence does not establish a cause-and-effect relationship between RF exposure below currently existing, scientifically-based exposure guidelines and any adverse health effects, including cancer and non-cancer outcomes. Tr. at 307-08; DLC Ex. G-1.
69. The World Health Organization (WHO) also found that the existing scientific evidence does not confirm the existence of any adverse health effects below established guideline-level values. Tr. at 295-96, 309; DLC Ex. G-1.

Initial Decision, pp. 10, 17.

The Complainant fundamentally misinterprets the concept of “weight of the evidence,” mistakenly equating it with her evidence being disregarded. Neither ALJ Watson, nor the Commission “ignored” Complainant’s testimony; rather, they made a determination based on all the evidence presented and found Duquesne Light’s evidence more persuasive and Complainant’s insufficient to carry her burden of proof.

Moreover, Complainant’s accusations that the Commission and the Company are “practicing medicine without a license” lack merit and demonstrate a clear misunderstanding of the legal process and procedure, which allows regulatory bodies, like the Commission, to evaluate and weigh the evidence presented and draw

conclusions accordingly. Plaintiff's personal beliefs, no matter how strongly held, do not constitute evidence. Thus, ALJ Watson and the Commission properly concluded that there is no record evidence to support the Complainant's claims. April 10, 2025 Order, p. 24. Weighing the evidence against the applicable evidentiary standard is not, by any stretch, the "practice of medicine."

Furthermore, as previously stated in Duquesne Light's Answer to Plaintiff's Petition to Reopen,³ Complainant has continuously failed to produce a single medical record in support of an alleged diagnosis of EHS or physical harm. Despite Complainant's assertion that she suffers from "damaged eyes," "heart arrhythmias, palpitations, vertigo, and joint pain," she has failed to produce any competent evidence to substantiate these symptoms or, more importantly, to connect them to RF exposure in a manner that complies with the applicable evidentiary standard. Complainant's lay opinion that she experiences these symptoms, in the absence of expert testimony or medical records indicating the same and making the requisite causal connection, is not enough to establish her burden of proof or to undermine the testimony credited as believable by Duquesne Light at the March 2020 hearing.

Further, Complainant's assertions that the Commission's Office of Special Assistants and the Commission "ignored" and disregarded Complainant's Exceptions, Complainant's Petition to Reopen, and the Evidentiary Record is erroneous. In the Commission's April 10, 2025 Order, it explicitly cites to all three of these in support of its

³ The Company incorporates by reference its Answer to Complainant's Petition to Reopen as if stated fully herein.

conclusion that Complainant failed to demonstrate that the Company's smart meter has caused her harm. Indeed, the Commission also clarified its role in assessing the evidence presented by stating:

In determining whether a complainant has met the burden of persuasion, the fact-finder¹⁶ may engage in determinations of credibility, may accept or reject testimony of any witness in whole or in part, and may accept or reject inferences from the evidence. *See Moore*, citing *Suber v. Pa. Comm'n on Crime and Delinquency*, 885 A.2d 678 (Pa. Cmwlth. 2005).

¹⁶ In formal complaint proceedings, the Commission, not the ALJ, is the ultimate fact-finder; it weighs the evidence and resolves conflicts in testimony. When reviewing the initial decision of an ALJ, the Commission has all the powers that it would have had in making the initial decision except as to any limits that it may impose by notice or by rule. *Milkie*, 768 A.2d at 1220, n. 7 (citing, *inter alia*, 66 Pa.C.S. § 335(a)).

April 10, 2025 Order, p. 15.

The Commission's Final Order also cited with approval to ALJ Watson's Initial Decision by stating, "The Finding of Fact and Conclusions of Law are incorporated herein by reference and are adopted without comment unless they are either expressly or by necessary implication rejected or modified by this Opinion and Order." April 10, 2025 Order, p. 20. Further, Complainant's argument that the Commission did not evaluate the evidentiary hearing transcript or the record evidence is simply not accurate. The April 10, 2025 Order clearly referenced and properly considered Complainant's testimony at the Evidentiary Hearing, Exceptions, and Petition to Reopen in weighing the evidence against Complainant. See April 10, 2025 Order, pp. 21-22, 28, 47. Complainant's evidence was not "ignored;" rather, she had an evidentiary burden to carry, years to

develop her case, and she failed to satisfy that burden. Therefore, Complainant's Petition does not meet the strict standard for reconsideration and should be denied.

2. Complainant's Argument Regarding the Expert Witness Testimony of Dr. Gabor Mezei Should be Rejected.

In her Petition, Complainant presents various follow-up questions for Duquesne Light's expert, Dr. Gabor Mezei, all of which could have, and *should have* been asked on cross-examination by Complainant at the March 2020 hearing, should she have desired to do so. Thus, these additional inquiries, which include extra-record evidence of an alleged 2005 fact sheet and a 2016 report do not constitute "new and novel" arguments considering they purportedly existed, and were available to Complainant, well before she even filed her Formal Complaint in 2018. See Petition, pp. 4-5. Indeed, Dr. Mezei's testimony took the weight of available medical evidence into account. See Respondent's Post-Hearing Brief, pp. 13, 21, 35-36; Tr. at 174-76, 180-81, 295, 299, 305-09, 316-17; DLC Ex. G-1.

Complainant further argues that "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." Petition, p. 5. However, Complainant drastically misunderstands the purpose of Dr. Mezei's testimony, and in doing do, improperly attempts to shift the burden of proof in this case onto the Company. The Pennsylvania Public Utility Code (the "Code") is clear that the Complainant bears the burden of proof in this proceeding. 66 Pa. C.S. §

332(a). Section 332 of the Code is established precedent and applies generally to all proceedings before the Commission, to which Complainant is no exception.

The burden only shifts to the Company if the Complainant establishes a *prima facie* case that the Company violated the Public Utility Code, the Commission's regulations, or a Commission order. See April 10, 2025 Order, pp. 13-16. However, in that instance, the Company's burden would be limited to producing rebuttal evidence. Id. Here, Complainant bears the overarching burden of proof, which she failed to carry in this case. Dr. Mezei was offered as an expert witness by the Company for the purpose of testifying as to epidemiology, health sciences, and research with an emphasis on electromagnetic fields and RF fields. See April 10, 2025 Order, pp. 23-24. The Presiding ALJ and the Commission both properly credited his and Dr. Cotts's expert testimony in making their respective findings. See Initial Decision, pp. 10-11, 28; April 10, 2025 Order, pp. 23-24.

It was the Complainant's burden, not the Company's, to present evidence in support of her alleged adverse health conditions. She did not do so, and her argument that Dr. Mezei's testimony should not be credited because he was not her treating physician is immaterial.

Complainant's argument does not constitute grounds for reconsideration and should be rejected.

3. Complainant's Argument Regarding an Extra-Record Immaterial Medical Opinion Should be Rejected.

In her Petition, Complainant references an excerpt from a "2024 consulting physician's letter to another utility on behalf of the Complainant" which seeks to

undermine the testimony and credible evidence presented by Duquesne Light throughout this proceeding by suggesting that Complainant suffers from adverse health conditions in connection with RF emissions. See Petition, p. 6. This does not meet the strict standard for reconsideration under Duick. Complainant had years to develop her case and was given an ample opportunity to present expert testimony at the March 2020 hearing had she desired to do so. This argument has already been fully addressed in Respondent's Answer to Complainant's Petition to Reopen, which is fully incorporated herein by reference.

Complainant's attempt to introduce an alleged "medical opinion" for the very first time, seven years into this proceeding, does not constitute a "new and novel argument" under the Duick standard. Furthermore, Complainant's delay in seeking a medical diagnosis is not grounds for reconsideration. It should also be noted that despite Complainant's indication that she is in the possession of a "medical opinion" from her treating physician, she nevertheless fails to produce a single medical record to substantiate her diagnosis or alleged adverse health conditions. This alleged medical opinion is immaterial to the matter at issue as Complainant admits it was sent to a separate utility company. This is not a basis to disturb the April 10, 2025 Final Order.

4. Complainant's Argument That Duquesne Light's Tariff Violates Pennsylvania Law Should be Rejected.

Complainant argues that the Company's Tariff "blatantly defies the Supreme Court of Pennsylvania's prescription for medical exemptions from smart meters." Petition, p. 6. Complainant has previously attempted to raise this exact argument in her

Exceptions to the Initial Decision of ALJ Watson. See Complainant’s Exceptions, p. 8. This argument was properly addressed and rejected by the Commission in its April 10, 2025 Order. Complainant cannot attempt to re-raise the same argument in her Petition by disguising it as a “new argument” solely because she is unsatisfied with the Commission’s decision. For that reason alone, this argument should be rejected under Duick. In the event this argument passes muster under Duick, the Company has already thoroughly addressed this argument in its Reply to Complainant’s Exceptions, which it fully incorporates herein by reference.

The Commission has approved Rule 9B of Duquesne Light’s Tariff, and it is consistent with the decision in Povacz II. See Respondent’s Reply to Complainant’s Exceptions, p. 18. That Complainant does not wish to accept the accommodation that Duquesne Light offers in its tariff does not alter the analysis in this case. Id. The holding in Povacz II is clear: a customer may request accommodation for smart meter installation, but is only entitled to one after demonstrating a violation of Section 1501 of the Code. Povacz II, 280 A.3d at 983–84; April 10, 2025 Order, p. 41. Here, Complainant has failed to establish that the Company has violated Section 1501 of the Code in any way and thus is not entitled to an accommodation. April 10, 2025 Order, p. 41.

Even if Complainant *had* established a violation, the Pennsylvania Supreme Court has clarified that Complainant would still not be entitled to an “opt-out” or medical exemption; rather, Complainant’s sole remedy would be a reasonable accommodation. See Povacz II, 280 A.3d at 1014 (“If the customer establishes by a preponderance of the evidence based on the totality of the circumstances that the smart meter service violates

Section 1501, they are entitled to an accommodation to the extent allowed by Act 129 **and a utility's tariff.**") (emphasis added). Neither Act 129 nor the Company's tariff permit an "opt-out" of smart meter installation.

Therefore, Duquesne Light's Commission-approved tariff aligns with Pennsylvania law, which does not allow for "medical exemptions," and Complainant's argument to the contrary should be rejected.

IV. CONCLUSION

WHEREFORE, for all the foregoing reasons, Duquesne light Company respectfully requests that the Pennsylvania Public Utility Commission deny the Petition for Reconsideration filed by Pamela Scott in its entirety.

Respectfully submitted,

TUCKER ARENSBERG, P.C.



By: _____

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**Counsel for Respondent,
Duquesne Light Company**

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Answer to Complainant's Petition for Reconsideration upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

Pamela Scott
134 Markham Drive
Pittsburgh, PA 15228

Administrative Law Judge Jeffrey Watson
Pennsylvania Public Utility Commission
Piatt Place - 301 Fifth Avenue
Suite 220
Pittsburgh, PA 15222

via mail and e-mail at:
jeffwatson@pa.gov
mwarnar@pa.gov

Dated this 5th day of May 2025.



Jeremy V. Farrell, Esquire