

5/13/15 Sent via e-mail to shawane.lee@exeloncorp.com
1
PA PUC – Frompovich / C-2015-2474602
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- EHB

May 11, 2015

USPS Certified * Return Receipt Requested

Elizabeth H. Barnes, ALJ
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

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PA PUC

Ref: C-2015-2474602 / Catherine J Frompovich

Dear Administrative Law Judge Barnes, Your Honor:

This is in reply to the letter postmarked 4/30/15 regarding the above referenced matter in which I was advised that you have been assigned to my case/hearing regarding my rejection of the PECO "smart meter" for health reasons, i.e., breast cancer survivor. I enclose FYI, the letter my managing physician has written, which is self-explanatory, and that I also sent to PECO¹.

Not to belabor you with my health problems, but in 1974 my immune system was totally compromised by formaldehyde. As a result, I'm a person who is sensitive to many modern day 'conveniences' and technologies also known as MCS (Multiple Chemical Sensitivity)². I would hope that I would be able live in my house without being bombarded by RFs and EMFs from a smart meter and that's my PRIME reason for refusing an SM.

There have been numerous ongoing certified letters between Exelon's attorney Shawane L Lee, who has turned over my refusal and request for opt-out/dispensation/health exemption to the PA PUC. Before I continue, may I respectfully acquaint you with the 3-page American Academy of Environmental Medicine Recommendations Regarding Electromagnetic and Radiofrequency Exposure, a copy of which I enclose³.

If I may present that an apparent overlooked problem is to be found within the PA PUC's implementation of HB2200/Act 129 of 2008, Smart Meter Procurement and Installation Implementation Order that was adopted at the June 18, 2009 Public Meeting. Entered June 24, 2009. Docket No. M-2009-209655. The PA PUC is on record stating, The Commission believes that it was the intent of the General Assembly to require all covered EDCs to deploy smart meters system-wide when

¹ Letter: William J Kracht, DO dated 3-03-15

² <http://www.webmd.com/allergies/multiple-chemical-sensitivity>

³ July 12, 2012 Recommendations / Amy L. Dean, DO and William J. Rea, MD

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SECRETARY'S BUREAU

it included a requirement for smart meter deployment “in accordance with a depreciation schedule not to exceed 15 years.” Whereas, the PA state legislative body is on record in the House and Senate Journals as published of record with such remarks:

Representative Saylor: “..it still needs to be a consumer choice, not a General Assembly mandate onto consumers that is going to cost them more in their electric bills.”

Representative Benninghoff: “I think it is important that we are smart about our energy use, but I also think we have to think about what government’s role is in mandating such a thing.”

Representative Gabig: “...but it is not going to be the utilities that pay for it because we took care of them in our amendment; they are taken care of in this Freeman amendment. The big utility companies and corporations, they are all right with it; they support this, but the customer, well, you are going to pay the freight for this mandate, this State mandate.”

Senator Tomlinson: “It also contains language in there that we will have smart meters. It is not mandated, but allows for the deployment of smart meters through a depreciation process, through new home construction process, and through the depreciation of 15 years, and for anyone who wants to purchase a smart meter which they feel will help them manage their electric load better.”

Senator Boscola: “We also made sure that smart meters would not be mandated for every single ratepayer.”

Senator Fumo: “In addition, we did not mandate smart meters, but we made them optional.”

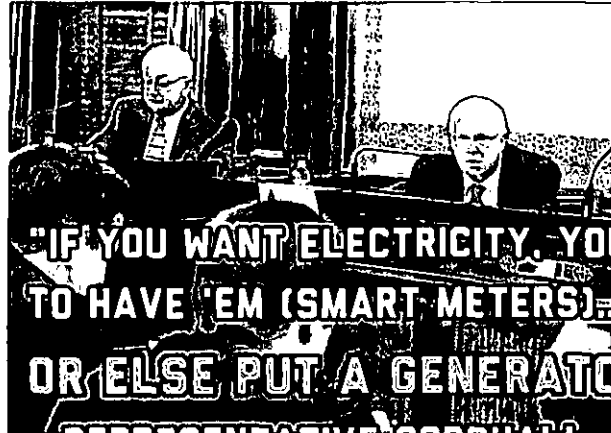
Need I respectfully remind you, Your Honor, that no one—even an administrative agency—can write, interpret, or pass legislation in the Commonwealth other than the PA state legislature? Therefore, PA Act 129 of 2008 is an illegal act because of the PA PUC’s implementation order and for many other reasons, including violating an individual’s constitutional rights, but more importantly because the PA PUC interpreted law by its “belief,” which is contrary to the legal method of law-crafting in the Commonwealth of Pennsylvania.

As a result of what may be collusion on the part of utility companies and the PA PUC, I contend, good standing customers who reject SMs for health and/or other reasons, are threatened, and even harassed, by PECO with turning off our electricity even though our bills are paid in full.

Electricity is an important component of modern day life and living and should not be wielded like a legal club over customers, especially since Act 129 and the PA PUC’s implementation order of it are at variance, and apparently deny an individual’s constitutional right to redress for relief due to the actions of Chairman Robert W Godshall of the House Consumer Affairs Committee, who refuses to bring numerous opt-out bills in the past, and currently, before the committee for a vote.

Godshall is on record as telling members of the House and constituents that he will NEVER bring up those bills for a vote and has allowed some to become sine die. Is there a conflict of interest on Godshall’s part since his son, Grey, works for Exelon/PECO apparently in the Smart Meter division?

Furthermore, Godshall is on record as saying there is an opt-out to SMs: Get a generator.



Personally, I find that remark to be totally out of order for a member of the PA state legislator and the Chair of the Consumers Affairs Committee to make, especially when phone calls and citizens' constant requests for relief are being denied by Godshall, and compounded further by the illegal interpretation of Act 129 by the PA PUC, I respectfully offer.

Your Honor, I need not remind you how all the above, to put it mildly, "smells with conflicts of interest," which I wish the PA Attorney General would investigate, quite frankly.

I am not the only PECO customer caught in a 'legal hell bind' about SMs, the illegal Act 129, and PA PUC's machinations because of its implementation order. Below are five stories of other harassed PECO customers with whom the PUC probably is familiar.

PECO No. 1

Susan Kreider
169 W Queen Lane, Philadelphia, PA 19144
(215) 849-1698

PECO Acct No.47458-02006
PUC Docket No. C-2015-2469655

May 2013 PECO sent me a letter to notify me that they would be replacing my electric meter with the assurance that there would be no disruption in service and that I needn't be home as it is accessible to their technician. Insidiously I experienced increasing health problems. August 4, 2014 my attorney notified Craig L Adams, President & CEO of PECO and VP of Exelon Corporation that I am disabled and do not consent to the 'Smart Meter,' demanding that it be replaced with a wireless analog meter. PECO's Counsel replied that they were required by Act 129 to install a 'Smart Meter' on my house and, besides, they didn't have any analog meters. I purchased an analog meter and it was installed by a licensed electrician on August 26, 2014. December 12, 2014 a technician showed up at my house as I was leaving for work for the purpose of installing a 'Smart Meter.' When I explained that I do not consent to a 'Smart Meter' he issued a 10-Day Shut-Off Notice. An appointment was kept to allow a technician to "check the socket" February 9, 2015 but when he arrived with another 'Smart Meter,' I explained that I do not consent. He issued a 72-Hour Shut-Off Notice. Later that day I received a 10-Day Shut-Off Notice, by mail, from the company that installs the 'Smart Meters.'

PECO No. 2

Louise Francis
 706 Lombard St., Philadelphia PA 19147
 (215) 923-1567

PECO Acct No. 9624901106

In October 2013 PECO left a notice on my property requesting I make an appointment to have a new meter installed. As one who is informed about smart meters their health and privacy risks, I never made the appointment and on several occasions when a technician visited me I refused access to my premises for the purpose of installing the smart meter. On 10/24/2014 I received a 10 day shut-off notice from PECO. I filed a formal complaint with the Pennsylvania PUC requesting that the PUC support my request to stop PECO from discontinuing my service.

In March 2013 I was informed by the PUC that my complaint had been denied “with prejudice”. I then “appealed” the decision by sending a letter of exception to the PUC. PECO has responded to my letter of exception, advising the PUC to uphold the original decision. Louise Francis, FCAS, MAAA

PECO No. 3

Mary E. Paul, 239 Honey Locust Drive, Avondale, PA 19311
 PECO Acct No. 35774-01018

I received two letters from PECO after I sent my non-consent notice on 9/16/14. The next letter I received from PECO of 2/18/15 included a statement that the meter I have will no longer be able to communicate with their network.

They requested I call in the next few weeks to make an appointment.

I did not respond as there was no actual deadline date and I was going out of town.

When I returned I found the cut-off notice in the mail. I was shocked and very upset.

I felt as if PECO was deliberately trying to force the issue - accept the meter or lose my electricity.

The April 3rd date was Easter weekend, no less. I learned about filing a formal complaint.

I suffer from EHS [electromagnetic hypersensitivity]. I felt like I had just received a death sentence.

If I could not even get some relief in my own home, there was nowhere to go. What quality of life could I expect and how long would I survive? I had spent the better part of the last seven months hardly leaving the house, doing errands at night, always on the lookout for the SM installers.

As I had little time to work on the complaint and get it to Harrisburg in time, I decided to call the Customer Care Manager who had sent me the PECO letters. I told her I had filed a formal complaint which I had sent overnight. She took me off the schedule for shut-off for now.

PECO No. 4

Donna Maria Zadie
 2632 S. 16th St., Philadelphia, PA 19145
 PECO Acct No. 1272501801

PECO came to the door April 1, 2015 to talk to us about shutting off our electric. They said they gave us the time, now they will turn it off the following Tuesday, April 7, 2015, from the time they came, which was Wednesday, April 1, 2015.

We faxed (4/3 or 4/6/15) over to PECO the doctor's note that my sister, who lives in the house, is getting heart surgery. So, they have now stayed it, but we are not sure for how long. They keep calling to try to install a new smart meter.

PECO No. 5

Maria Povacz

C-2012-2317176

This ALJ case PECO trots out as legal precedent and includes it with all the threats their legal department sends out, and which I think PUC ALJs are familiar.

The whole story started in June 2012 when I received a letter from PECO announcing that my meter will be replaced. I called to inquire the specifics and wondered why I need a new meter because my old one was functional and only a few years old. I also learned that if I refuse installation, my power will be turned off. I was really concerned with PECO's customer service representative and started my research.

I filed a formal complaint against PECO in 2012, complaint that was denied with prejudice.

This year end of March, I received my 10 day shut off notice. I filed another formal PUC complaint and the case has just been assigned to a judge. PECO has bombarded me with letters and part of the formal complaint with legal documents.

I am trying the best I can to hold off on to my power. I am a paying customer and I do not think it is right to be forced into accepting something on my house just because some agency decided this is good for me. PECO's rates are going up 5.9% for a residential account and this increase does not account for the cost of the Smart Meter deployments. We will see additional increased in the very near future. I am a paying customer that has never been late in paying its electrical bills yet I am being harassed with shut off notices because I am refusing a smart meter? I never signed up for this when I agreed to allow PECO to connect my house to the grid. I contracted for an AMR meter and I intend to keep it. If PECO desires to replace it, then it must be with another analog or AMR meeting not a AMI meter.

Your Honor, the above stories are emblematic of the grief PECO, the PA PUC and Representative Godshall have brought down upon PECO utility customers and Pennsylvania consumers. Ms. Susan Kreider is very handicapped and cannot suffer more damage to her body from EMFs/RFs. Certainly, from what I'm hearing almost daily, there are many, many more who refuse SMs and are subject to unfair consumer practices, which, frankly, ought to be illegal and prosecuted.

Furthermore, there is another customer, who will not permit her/their story to be told. She's an attorney with a serious genetic disease; her husband has cancer; and they do not want EMFs or RFs around them. She's getting harassed with the ten-day cut off notices.

Additionally, it is a principle of law that consumers have rights and there are no more fundamental rights than to be safe and secure in one's home, life and health, and chosen lifestyles. Lifestyles are now guaranteed under the LGBT statutes that have been enacted. Respectfully, may I assert that there is no difference at law between how one chooses to live free of cancer-causing elements or one's sexual preferences, since both are protected by the constitution—even case law.

Moreover, there are opt-out provisions in other states where SMs are being retrofitted and implemented. Under consumer law, consumers must be provided with options when there are problematic issues involved, as is the case with SMs, but the PA PUC arbitrarily decided that SMs would be mandatory, in contradiction to what the PA state legislature passed in HB2200.

Your Honor, I think the PA PUC needs to regroup, rethink and do the morally and legally correct thing about SM implementation in Pennsylvania.

Besides, I propose since the PA PUC's belief and interpretation of what Act 129 actually says and that state legislators intended, wrote and said on record is printed in the House and Senate Journals—and contrary to PECO's and the PA PUC's actions—it should be incumbent upon the Governor of the Commonwealth of Pennsylvania and the State's Attorney General to investigate immediately if possible collusion occurred between the utility companies and the PA PUC in order that the smart meter roll out could be enforced mandatorily so as to allow PECO to procure the federal funding if PECO met a certain criteria for installing smart meters, regardless of consumers' wishes, concerns, health problems and complaints.

Furthermore, someone in Harrisburg has to explain why the following should not be investigated as probable cause for collusion regarding smart meter mandatory roll outs in Pennsylvania:

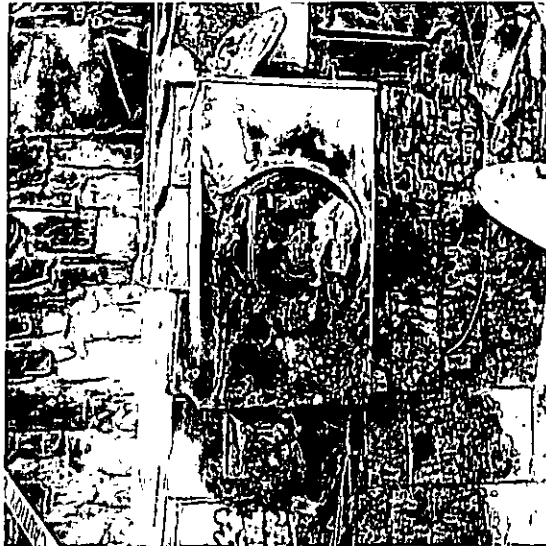
[PECO] is supported by a \$200million federal smart-grid grant. Under terms of the stimulus Grant, PECO promised to install 600,000 smart meters by April, 2014."

Source: -Philly.com, "After tests, Peco to resume smart-meter installations", 10 October 2012
http://articles.philly.com/2012-10-10/business/34343946_1_sensus-meters-sensus-devices-new-generation-meters

The PUC's interpretation consequently interferes with customers being able to obtain the services they want, i.e., RF-free analog meters. Therefore, PECO will shut off their electric power service, even though all their bills are paid in full. That's not what the state legislature wanted!

In law there's what's known as an "Adhesion Contract." The obvious draconian 'enforcement' actions taken by the PA PUC and PECO seem to be implementing Adhesion principles like a legal sledge hammer. Is that a morally legal way to treat utility customers?

By the way, here's something I have not addressed in this letter: Smart Meter fires that have been occurring all around the state and country! No one should have to live in fear of that happening because the technology is not safe: Check out Hot Socket Fires! Also, check out what insurance companies are doing about and how they are handling SM fires. From what I hear, that ought to be invested too.



Your Honor, there are many more issues involved with SMs and the manner in which the PA PUC has forced SMs on to consumers that need to be discussed legally in open court, not with the ALJ procedure, which basically is arbitration in favor of the utility companies with absolutely no humane concern for consumers' legitimate issues with RFs/EMFs.

Another issue I've not discussed in this letter is how Act 129, the PA PUC and PECO's harassment probably falls back on and impacts the Americans with Disabilities Act.

Americans with Disability Act / Opt-out Fees in California

http://stopsmartmeters.org/wp-content/uploads/2012/07/SMARTMETERS-ADA_Smart_Meter_Briefing_PDF1.pdf

June 29, 2012

V. CONCLUSION

For the foregoing reasons, the Commission should find that federal and state law prohibit the Commission from authorizing, and prohibit California IOUs from assessing, an opt-out fee on any customer who is required to have an analog meter for medical reasons, because such a fee would constitute a prohibited surcharge. The Commission should also independently acknowledge as a matter of policy that people with disabilities are entitled to accommodation in utility service to the extent such accommodation is necessary to allow them to maintain independence and to support the goal of eliminating discrimination against people with disabilities.

Recognition of the Electromagnetic Sensitivity as a Disability Under the ADA

The Architectural and Transportation Barriers Compliance Board (Access Board) is the Federal agency devoted to the accessibility for people with disabilities. The Access Board is responsible for developing and maintaining accessibility guidelines to ensure that newly constructed and altered buildings and facilities covered by the Americans with Disabilities Act and the Architectural Barriers Act are accessible to and usable by people with disabilities. In November 1999, the Access Board issued a proposed rule to revise and update its accessibility guidelines. During the public comment period on

the proposed rule, the Access Board received approximately 600 comments from individuals with multiple chemical sensitivities (MCS) and electromagnetic sensitivities (EMS).

The Board has taken the commentary very seriously and acted upon it. As stated in the Background for its Final Rule Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Recreation Facilities that was published in September 2002:

"The Board recognizes that multiple chemical sensitivities and electromagnetic sensitivities may be considered disabilities under the ADA if they so severely impair the neurological, respiratory or other functions of an individual that it substantially limits one or more of the individual's major life activities. The Board plans to closely examine the needs of this population, and undertake activities that address accessibility issues for these individuals".

Following its recognition of electro sensitivity and its declaration of commitment to attend to the needs of the electromagnetic sensitive, the Access Board contracted the National Institute of Building Sciences (NIBS) to examine how to accommodate the needs of the electro sensitive in federally funded buildings. In 2005 the NIBS issued a report.

The link for the report:

http://web.archive.org/web/20060714175343/ieq.nibs.org/ieq_project.pdf

From Report (page 11):

Electromagnetic Fields

For people who are electromagnetically sensitive, the presence of cell phones and towers, portable telephones, computers, fluorescent lighting, unshielded transformers and wiring, battery re-chargers, wireless devices, security and scanning equipment, microwave ovens, electric ranges and numerous other electrical appliances can make a building inaccessible. [Note: Smart meters emit RFs/EMFs in the microwave range.]

The National Institute for Occupational Safety and Health (NIOSH) notes that scientific studies have raised questions about the possible health effects of EMF's. NIOSH recommends the following measures for those wanting to reduce EMF exposure – informing workers and employers about possible hazards of magnetic fields, increasing workers' distance from EMF sources, using low-EMF designs wherever possible (e.g., for layout of office power supplies), and reducing EMF exposure times (11). [Smart meter exposure on a person's home is 24/7/365!]

Below is a short 'bibliography' of information about the health problems associated with microwaves, RFs, and EMFs—the electronic means by which SMs transmit and receive data.

Canadian Medical Association Journal reports Health Canada's wireless limits are "A Disaster to Public Health"

<http://www.newswire.ca/en/story/1532755/canadian-medical-association-journal-reports-health-canada-s-wireless-limits-are-a-disaster-to-public-health>

SM & EMF Health Problems

"Smart Meters" & EMR: The Health Crisis Of Our Time - Dr. Dietrich Klinghardt

https://www.youtube.com/watch?feature=player_detailpage&v=b_wxM6IAF1I#t=458

On behalf of all those who are harassed by PECO, the PA PUC and what, unfortunately, is an illegal Act 129 of 2008, I respectfully submit the above information as due consideration for much-needed humanitarian and legal relief regarding, and from, Smart Meter implementation harassment by all parties until the PA State legislature can enact one of the current opt-out bills in this session.

I further propose Chairman Godshall recuse himself from his duties as chair, since there seems to be some conflicts of interest on his part regarding what he's legally supposed to do: hear consumers' input and bring SM opt-out bills before the House committee for a vote—not declare he will NEVER call those bills!

Respectfully yours,


Catherine J. Frompovich
Encs. 2

Cc: PA Governor Tom Wolf



Woodlands Healing Research Center
Family, Environmental & Preventive Medicine

03/03/2015

RE: Catherine Frompovich
DOB: 08/03/1938
23 Cavendish Drive
Ambler, PA 19002-

To Whom it May Concern,

Please be advised that the above named patient is currently under my medical care for Breast Cancer. Radio frequencies that will be emitted by the Smart Meter into her home, medically will interfere with her ability to heal and live Cancer free.

It is in my professional and medical opinion that the Smart Meter technology has been researched enough that microwave energy has been proven to be detrimental to human health.

If you have any questions or concerns, please feel free to contact myself or this office at 215-536-1890.
Thank you for your time and consideration in this matter.

Sincerely,

Electronically signed by: William Kracht DO Family Medicine 03/03/2015 12:13 PM

W Kracht DO

Document generated by: Audrey Tomlinson 03/03/2015

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American Academy of Environmental Medicine Recommendations Regarding Electromagnetic and Radiofrequency Exposure

Physicians of the American Academy of Environmental Medicine recognize that patients are being adversely impacted by electromagnetic frequency (EMF) and radiofrequency (RF) fields and are becoming more electromagnetically sensitive.

The AAEM recommends that physicians consider patients' total electromagnetic exposure in their diagnosis and treatment, as well as recognition that electromagnetic and radiofrequency field exposure may be an underlying cause of a patient's disease process.

Based on double-blinded, placebo controlled research in humans,¹ medical conditions and disabilities that would more than likely benefit from avoiding electromagnetic and radiofrequency exposure include, but are not limited to:

- Neurological conditions such as paresthesias, somnolence, cephalgia, dizziness, unconsciousness, depression
- Musculoskeletal effects including pain, muscle tightness, spasm, fibrillation
- Heart disease and vascular effects including arrhythmia, tachycardia, flushing, edema
- Pulmonary conditions including chest tightness, dyspnea, decreased pulmonary function
- Gastrointestinal conditions including nausea, belching
- Ocular (burning)
- Oral (pressure in ears, tooth pain)
- Dermal (itching, burning, pain)
- Autonomic nervous system dysfunction (dysautonomia).

Based on numerous studies showing harmful biological effects from EMF and RF exposure, medical conditions and disabilities that would more than likely benefit from avoiding exposure include, but are not limited to:

- Neurodegenerative diseases (Parkinson's Disease, Alzheimer's Disease, and Amyotrophic Lateral Sclerosis).²⁻⁶
- Neurological conditions (Headaches, depression, sleep disruption, fatigue, dizziness, tremors, autonomic nervous system dysfunction, decreased memory, attention deficit disorder, anxiety, visual disruption).⁷⁻¹⁰
- Fetal abnormalities and pregnancy.^{11,12}
- Genetic defects and cancer.^{2,3,13-19}
- Liver disease and genitourinary disease.^{12,20}

Because Smart Meters produce Radiofrequency emissions, it is recommended that patients with the above conditions and disabilities be accommodated to protect their health. The AAEM recommends: that no Smart Meters be on these patients' homes, that Smart Meters be removed within a reasonable distance of patients' homes depending on the patients' perception and/or symptoms, and that no collection meters be placed near patients' homes depending on patients' perception and/or symptoms.

Submitted by: Amy L. Dean, DO and William J. Rea, MD

Approved July 12, 2012 by the Executive Committee of the American Academy of Environmental Medicine

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