

Catherine J Frompovich

v.

PECO Energy Company

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C-2015-2474602

RECEIVED

JUN 26 2015

EXCEPTIONS

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

TO INITIAL DECISION GRANTING PRELIMINARY OBJECTIONS ORDER

Before
Elizabeth H Barnes
Administrative Law Judge

Exception No. 1

Findings of Fact, Page 6, ¶12, Line 2

"There is neither an 'opt-out' provision nor a requirement to perform onsite broadcasting tests provided for the Commission's order."

Reason for Exception #1

Complainant Catherine J Frompovich respectfully wishes to remind the court and the PA PUC of the PA legislative session members' remarks as published in the PA House Journal beginning on Page 386-403 February 11, 2008 and in the PA Senate Journal beginning on Page 2626-2631 October 8, 2008, wherein the following comments by PA legislators were made with regard to smart meters not being mandatory.

See Page 390 Rep. Godshall "In this case are we not taking the choice away from the consumer by saying you have to put this in service in your district rather than you may or you have a choice? Are we not saying that you must do it? We are taking that choice away from the consumer, I believe, and I would have no problem with this if we do it on a choice basis, as you used the word "choice" before. We are taking that choice away."

Clearly, Rep. Godshall was in favor of consumer choice, meaning a consumer's ability to refuse Smart Meters.

See Page 391 Rep. Godshall "In looking at this, I totally agree with the gentleman [Mr. Freeman] that we need to conserve energy, we need to save energy. I totally agree that smart meters are a big step in doing this. What I am not in full agreement on in any way is that everyone is mandated to, whether they intend to use it or not, whether they know how to use it or not, everyone is mandated, under this legislation, to go ahead with the smart meter technology. And again, the gentleman mentioned there were polls taken. If there is a poll taken and said, do you believe in the use of smart meters, my answer to that would be yes. I would have absolutely no problem in answering yes, but then if there was a question at the bottom that says you are going to be paying \$300 for the installation through your utility bill for this meter and the software that goes with it, I am not sure what the answer would be."

Clearly, Rep. Godshall expresses that he is not in full agreement that everyone is mandated to go ahead with the smart meter technology! Then, he further expresses his concern about consumers having to pay \$300 for the Smart Meter installation via their utility bills.

See Page 393 *Rep. Saylor addressing Rep. Godshall* "The key is, should we in the General Assembly mandate something on consumers that is going to cost them more dollars in their electric bill?"

Again, we see concerns expressed about mandating something on consumers, i.e., Smart Meters, that is going to cost them more dollars in their electric bill—clearly a concern about mandating Smart Meters.

Page 395 *Rep. Benninghoff addressing the Speaker* "I guess my reservation, obviously, is do we want a statewide mandate? Do we want the government telling you that you have to have a meter put in your property? I think the majority of us appreciate the fact that we want to be more energy conscious, have more efficient appliances, and I think a lot of us are moving that way. I just struggle with the fact that there is no other State in the Commonwealth that has done this in the past, although I would like to see Pennsylvania obviously be a leader. It gives me some reservations that if this technology is so accurate and so helpful and such a cost reduction savings for the consumer, why is it not being used unilaterally across this great nation? I would ask the members to keep that in mind. 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."

Rep. Benninghoff is very concerned about Smart Meters not being mandated and the government's role in mandating them.

See Page 397 *Rep. Gabig* says using an analogy to comparing dumb and smart legislators, "But if they start saying, well, for the smart legislator you are going to pay five times more money and for the dumb legislator you are going to pay five times less money, for the smart card you are going to pay five times more money and for the dumb card you are going to pay five times less money, for the smart meter you are going to pay we do not know how much more money because we will not tell you, 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."

Clearly concerned about constituents and utility customers in particular, Rep. Gabig expresses that the state legislature will be taking care of big utility companies and corporations, but the consumer will be paying the freight on a State mandate—something he's not comfortable with.

Page 431 *Rep. Hutchinson* "However, by the amendments passed yesterday, which mandated universal smart meters across Pennsylvania, that is a fatal flaw that makes this bill a bad idea for Pennsylvania. It is bad for the consumers of Pennsylvania who will have to pay for those smart meters, whether they save on their electric bills or not. It makes no sense whatsoever to force people to pay for those smart meters and then, in addition, still pay higher and higher utility bills.

It was said yesterday that if only 1 percent of the people used smart meters, we would have huge savings in energy use in Pennsylvania, and, Mr. Speaker, I agree with that statement. But my idea is, let us get the smart meters only to those 1 percent of the people and get this same savings in energy use. That is the smart way to move forward to promote energy conservation, to use technology like smart meters in a targeted and commonsense way instead of a mandated, across-the-board consumer tax –

that is what it is, a couple hundred dollars per person – that will have to be paid to pay for these smart meters. So after adding that fatal flaw to this bill, I think it is incumbent upon everyone in this chamber to vote against HB2200, and I ask them to join me in that vote. Thank you, Mr. Speaker.”

There is no doubt that Rep. Hutchinson is concerned about Smart Meters being made mandatory and the cost factor to consumers, who will be made to pay for them. He clearly urges House members to vote against mandatory Smart Meters.

After that discussion the bill with amendments made it over to the Senate where more amendments were added and this discussion is recorded in the Senate Journal.

See Page 2626 Sen. Tomlinson “It also contains language in there that we will have smart meters. It is not mandated, but it 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.”

Nothing is more explicit than “we will have smart meters. It is not mandated” and goes on to explain how they will be deployed—something the PA PUC totally misinterpreted in its implementation regulations thereby over-reaching their administrative powers and created new law not intended by the Pennsylvania legislature, the only direct and legal format for legislation. ALJ Barnes expresses at several places in the Order that “she [Frompovich] should advocate for such ability [to opt-out] before the General Assembly.” [See Order pg. 6, ¶ 3]

See Page 2626 Sen. Boscola “We also made sure that smart meters would not be mandated for every single ratepayer. Not only is that a smarter approach to smart meter deployment, but it will also save electric customers hundreds of millions of dollars paying for something that will not provide a real benefit in their own households.”

Sen. Boscola asserts that smart meters would not be mandated for every single ratepayer, thereby eliminating any need of opt-out language in HB2200 as amended and passed, which became Act 129. The PA PUC has been remiss in its “belief” as stating to how it interpreted the PA legislature’s intent for smart meters in Pennsylvania. The PA PUC is totally wrong in its interpretation, which must be rescinded, as it’s an over-reach of agency authority.

See Page 2626 Senator Fumo “In addition, we did not mandate smart meters, but we made them optional. We did say in new construction, where they really are practical, they will be put in.

Again, clear intent and language expressing that the PA Senate did NOT mandate smart meters, so why did the PA PUC over-reach and basically create a different law than what the PA legislature passed and then-Governor Rendell signed after the Senate amended version was passed by the House. The House discussion does not mention anything about whether the meters are mandated or not, therefore, indicating the House was in agreement with the Senate-passed version of HB2200. For Remarks see House Journal Page 2323-2328, Oct. 8, 2008.

Supporting Statement of Reason

Regarding “legislative intent” in legislative bills and amendments, in *Phila. Federation of Teachers, et al v. School Dist. Of Phila.* Docket No. 1951 C.D. 2014, argued Dec. 10, 2014 <http://www.pft.org/docs/1951CD14_1-22-15.pdf>, the Court of Common Pleas of Philadelphia, October 27, 2014, on pages 29-30 of the Judge Patricia A. McCullough’s Order stated “[w]hile statements made by legislators during the enactment process are not dispositive of legislative intent, they may be properly considered as part of the contemporaneous legislative history.” [*Washington v. Baxter*, 719 A.2d 733, 738 (Pa. 1998)]

Additionally, the court stated in *Phila. Federation of Teachers* on page 34, “where the legislature includes specific language in one section, the language may not be implied where excluded [clearly applicable to PA PUC’s belief interpretation of HB2200, as bill language lacks stating “mandatory smart meters”]....Moreover, where a section of a statute contains a given provision, the omission of such a provision from a similar section is significant to show a different legislative intent.” [*Commonwealth v. Mazzetti*, 44 A.3d 58, 67 (Pa.2012)]

Clearly, the PA PUC mandated smart meter interpretation of HB2200/Act 129 of 2008 presents serious Constitutional and ethical issues such as:

1. The federally-funded PA Smart Grid <http://en.openei.org/wiki/PECO_Energy_Company_Smart_Grid_Project> chills freedom of speech.
2. The federally-funded PA Smart Grid violates the Free Exercise Clause of the First Amendment.
3. The federally-funded PA Smart Grid violates the Consumer Products Safety Act. The Act gives the US Consumer Product Safety Commission power to develop safety standards and pursue recalls for products that present unreasonable or substantial risks of injury or death to consumers. Smart meters meet both criteria as numerous Internet sites and fire department reports document smart meter fires in Pennsylvania and across the country, including deaths attributed to smart meters. Smart meters present unreasonable and substantial risks to health from RF and EMF microwave electromagnetic frequencies. See American Academy of Environmental Medicine Recommendations Regarding Electromagnetic and Radiofrequency Exposure <https://aaemonline.org/pd/AAEMEMFmedicalconditions.pdf>
4. Furthermore, there has been no Consumer Product Safety Commission consumer advisories or reports regarding smart meters fires, explosions, hot sockets, arcing or RF/EMF frequency health hazards that adequately inform consumers of smart meter dangers.
5. The question, “Was Due Process compromised during the approval, implementation or oversight of the federally-funded PA Smart Grid?” needs to be answered by PECO and the PA PUC.
6. Complainant alleges that smart meters interfere with her Fourth Amendment rights of protection from unlawful search and seizure of information generated, and transmitted via a hackable technology, from her home without her consent and approval.
7. Complainant alleges that smart meters extinguish her right to be secure in her private property (dwelling) because of personal information generated by smart meters taken for public use, transmitted using microwave technology to unknown third parties and without just compensation.

Furthermore, “The Legislature is presumed not to intentionally pass unconstitutional laws, and courts give statutes a constitutional interpretation if that is reasonably possible.” *Bricklayers of Western*

Pennsylvania Combined Funds, Inc. v. Scott's Development Co., ___ A.3d ___ (Pa., Nos. 36 & 37 WAP 2012, filed April 17, 2014) slip op. at 16.

The Maine Supreme Court decreed in *Friedman v. Public Utilities Commission*, 2012 ME 90 that "Contrary to the Commission's conclusion, we are not persuaded that Friedman's health and safety concerns were "resolved"..." The highest state court in Maine found a lack of due process in Smart Grid proceedings.

However, in both Maine and California—and now at the Pennsylvania Public Utility Commission—public utilities commissions disregard the health injuries reported regarding AMI Smart Meters. Allegedly, all PUCs are pushing the Smart Meter/Grid agenda forward in the face of overwhelming public opposition. Public utility commissions are unduly influenced by industry. Utility companies, especially PECO, and the PA PUC ignore reams of scientific evidence showing adverse biological effects of electromagnetic radiation. None are taking heed of urgent warnings from distinguished researchers, scientists, and doctors who have extensive expertise in the field, including American Academy of Environmental Medicine Recommendations Regarding Electromagnetic and Radiofrequency Exposure

<https://aaemonline.org/pdf/AAEMEMFmedicalconditions.pdf>

See Exhibit A - SELECTED QUOTATIONS FROM SCIENTISTS WHO SIGNED THE INTERNATIONAL EMF SCIENTIST APPEAL. See smart meter technology, per se, mentioned in Dr. Albert Mandeville's comment.

US v. Jones

Regarding information gathering without consent, as AMI Smart Meters do, an analogous incident occurred in *US v. Jones*, 132 S.Ct. 945-Supreme Court 2012. In *Jones*, the government, without consent, placed a GPS radiation-emitting device on Jones' private vehicle in order to track his movements. The *Jones* court found that to be unconstitutional. Likewise, the Commonwealth of Pennsylvania, through the PA PUC and Act 129 of 2008, mandates and places AMI Smart Meters on private property without property owner's knowledge, or consent, of the owner for the purpose of gathering information. The same applies to the Smart Grid, a federal program which engages in physical intrusion of private homes and businesses for the purpose of obtaining information. The Ninth Circuit's opinion in *US v. Jones*, determined that "when the Government does engage in physical intrusion of a constitutionally protected area in order to obtain information, that intrusion may constitute a violation of the Fourth Amendment." The *Jones* opinion was upheld recently in *ACLU v. Clapper*, United States Court of Appeals for the Second Circuit, Decided May 7, 2015. Docket No. 14-42-cv.

Silverman v. United States

In a rare unanimous opinion, the U.S. Supreme Court declared, "At the very core" of the Fourth Amendment "stands the right of a man to retreat into his own home and there be free from unreasonable governmental intrusion." *Silverman v. United States*, 365 U.S. 505, 511 (1961)

ACLU v. Clapper

In May 2015, the Second Circuit struck down the National Security Agency's (NSA) mass collection of Americans' phone records as unconstitutional. *ACLU v. Clapper*, United States Court of Appeals for the Second Circuit, Decided May 7, 2015. The ACLU alleged that both the First and Fourth Amendments were violated. The Second Circuit found that the data collection, which violated constitutional rights, were never justified by Section 215 of the Patriot Act of 2001. Furthermore, the Smart Grid clause of the Energy Independence and Security Act of 2007 does not justify the constitutional abuses of utility companies, PECO in particular, and the PA PUC.

Exception No. 2

Findings of Fact, Page 8, Paragraph 1

"Although the Complainant is genuine in her concerns, the Commission's decisions cited above are controlling. Because Act 129 of 2008 and the Commission's orders direct the Respondent to develop and implement a smart meter procurement and installation plan and because there is no opt out provision either in the Act or the Commission's orders, the Complaint is dismissed for legal insufficiency."

Reason for Exception No. 2

Complainant Catherine J Frompovich respectfully disagrees with the above Discussion for numerous reasons, the prime reason being that the PA PUC over-reached and over-stepped its agency authority in writing Act 129 of 2008 implementation orders based upon the PA PUC's "belief" of what the legislature wanted, NOT what the legislature discussed, was published on record, and passed, and as documented in Exception No 1 above. [See *Washington v. Baxter*, 719 A.2d 733, 738 (Pa. 1998)] Therefore, Complainant and all Pennsylvanians are not bound by legislation created by the PA PUC and not the General Assembly, which actually created a direct form of no-mandatory-smart-meters-legislation in HB2200 as amended and voted upon, but obviously rewritten in spirit according to a special PA PUC agenda for implementation.

Supporting Statement of Reason

Furthermore, PECO customers, who refuse AMI Smart Meters, live under constant fear and threat of losing electric power from shut off notices that are sent out by PECO even though customers' bills are paid in full. No one should be subjected to such duress regarding a necessity—electricity—of modern day life and also fear for their health declining. In *Molien v Kaiser Foundation Hospitals*, 616 P. 2nd 813, 919 – Cal: Supreme Court 1980 the court stated, "We conclude that emotional injury may be fully as severe and debilitating as physical harm, and is no less deserving of redress."

Additionally, in *Burgess v. Superior Court*, 831 P. 2nd 1197 – Cal: Supreme Court 1992, emotional distress can include "fright, nervousness, grief, anxiety, worry, mortification, shock, humiliation and indignity, physical pain, or other similar distress." The *Burgess* court decided that the defendants were still liable for psychological injuries and emotional distress.

Complainant contends PECO and the PA PUC can be liable for psychological injuries and emotional distress placed upon utility customers who fear AMI Smart Meters capacity to explode and/or catch fire, destroy their homes, which insurance companies often deny coverage for the Smart Meter fire claims, and/or customers' fear, emotional stress and physical distress of/from RFs and EMFs emitted by Smart Meters microwaves and their inability to escape them in their own homes. See *Silverman v. United States*, 365 U.S. 505, 511 (1961)

Exception No. 3

Findings of Fact, Page 6 ¶ 3, Lines 1 and 2

"To the extent that Ms. Frompovich desires the ability to opt out of the smart meter installation, she should advocate for such ability before the General Assembly."

Reason and Supporting Statement of Reason for Exception No. 3

Complainant Catherine J Frompovich respectfully wishes to remind the court that the legislature voted and passed in HB2200 that smart meters would not be mandatory but the PA PUC "believed" to

the contrary and mandated smart meters for everyone. To rectify the PA PUC's over-reach, the Pennsylvania General Assembly previously had – and currently has – the following bills that include the “opt-out” language:

2013 – 2014 LEGISLATIVE SESSION

LEGISLATIVE SPONSOR & BILLS: Three bills were introduced in the PA State Legislature's Consumer Affairs Committee. These bills served to address issues stemming from PA Act 129. The main sponsor of these bills was PA State Rep. Mike Reese. House Bill 899 was intended to repeal the Smart Meter mandate. House Bill 902 was intended for a consumer Opt-Out of Smart Meters. House Bill 906 was intended for consumer consent before sharing Smart Meter information with third parties.

It must be noted that the Chair of the Consumer Affairs Committee would not call those bills for a vote and let them become sine die. Furthermore, Rep. Robert W Godshall is on public record as saying either you get a smart meter or get a generator. Currently, all advocacy efforts directed toward him and his office are met with, “I will never call those bills for a vote.”

Rep. Godshall must be made to recuse himself from his Chairmanship of Consumer Affairs because of definite conflict of interest. His son Grey Godshall is a manager with PECO/Exelon—the very utility installing smart meters. Rep. Godshall is preventing due process and redress, and interfering with not only Complainant's constitutional rights, but those of all Pennsylvanians who want smart meter redress.

2015 – 2016 LEGISLATIVE SESSION

LEGISLATIVE SPONSOR & Bills: PA State Rep. Mike Reese announced January 14th & 15th that he intended to introduce all three bills once again (HB-899, HB-902, HB-906), while also adding a fourth new bill that would encompass all three issues, in the PA State Legislature. Reese put out a memorandum looking for additional co-sponsors for such bills. Monday February 9th, Rep. Mike Reese and his co-sponsors introduced four Smart Meter bills into the Consumer Affairs Committee as follows:

HOUSE BILL 393: Repeal Smart Meter Mandate (printer no. 430) – No government body should mandate the usage of any technology because it jeopardizes common principles of supply and demand.

This law would remove language that requires electric companies to provide smart meters, while still allowing them to offer the technology. The following members served as co-sponsors: REESE, BARRAR, BLOOM, DeLuca, DIAMOND, DUNBAR, DUSH, EMRICK, EVANKOVICH, GABLER, GILLEN, A. HARRIS, JAMES, KAUFFMAN, MALONEY, MARSHALL, METCALFE, METZGAR, MUSTIO, PETRARCA, PICKETT, REGAN, SACCONI, SAYLOR, SNYDER, SONNEY, and TALLMAN.

HOUSE BILL 394: Consumer Opt-Out Smart Meter Usage (printer no. 431) – This law would (1) provide consumers the ability to “opt-out” of receiving a Smart Meter and (2) require the Pennsylvania Utility Commission to create a fair surcharge system that would be paid by consumers. This is similar to laws recently passed in Maine, Nevada, and California. The following members served as co-sponsors: REESE, BENNINGHOFF, BISHOP, BLOOM, V. BROWN, DeLUCA, DIAMOND, DUNBAR, DUSH, EMRICK, EVANKOVICH, GABLER, GRELL, GROVE, A. HARRIS, JAMES, KAUFFMAN, LAWRENCE, MALONEY, MARSHALL, METCALFE, METZGAR, MUSTIO, PETRARCA, PICKETT, REGAN, SACCONI, SAYLOR, SNYDER, SONNEY, and TALLMAN.

HOUSE BILL 395: Consumer Consent to Share Smart Meter Information (printer no. 432) – This law would ensure that customer consent is required before information gathered by the Smart

Meter technology can be shared with government agencies. The following members served as cosponsors:

REESE, BARRAR, BLOOM, DIAMOND, DUNBAR, DUSH, EMRICK, EVANKOVICH, GABLER, A. HARRIS, JAMES, KAUFFMAN, MALONEY, MARSHALL, METCALFE, METZGAR, MUSTIO, OBERLANDER, PETRARCA, PICKETT, and SACCONI.

HOUSE BILL 396: Combines All Three Proposals – This law combines all three proposals into one. The following members served as co-sponsors: REESE, BLOOM, DeLuca, DIAMOND, DUNBAR, EMRICK, EVANKOVICH, GABLER, GROVE, A. HARRIS, KAUFFMAN, KRIEGER, MUSTIO, PICKETT, SACCONI, SNYDER, and TAYLOR. <<https://smartmeternewsupdates.wordpress.com/2015/02/25/pennsylvania-introduces-new-bill-to-stop-smart-meters/>>

Clearly, the Pennsylvania legislature wants to correct the misinterpretation by the PA PUC in implementing what the legislature originally had passed as law, i.e., no mandatory smart meters in Pennsylvania. *Based upon the PA PUC's over-reach into making law rather than implementing the PA legislature's intent, language and bill passed, the PA PUC needs to rethink the error of its ways and work to correct this grave legal, moral and social injustice it has caused for Pennsylvanians and, in particular, Complainant who fears for her health status having been a breast cancer patient who knows that RF/EMF frequencies are classified as a Class 2B carcinogen by the World Health Organization's International Agency for Research on Cancer (IARC) http://www.iarc.fr/en/media-centre/pr/2011/pdfs/pr208_E.pdf.*

Moreover, the PA PUC must consider that smart meters are in violation of the Nuremberg Code regarding "voluntary informed consent" with regard to the fact that PECO is subjecting customers to radiofrequencies that are classified as a Class 2B carcinogen, as referenced above, and without consumers' knowledge. The PA PUC should be alarmed at enabling such unethical business practices for utility companies and correct its error(s) immediately.

Exception No. 4

Conclusions of Law, Page 8, No. 3

"PECO Energy Company's smart meter procurement and installation plan, which was approved by Commission Order entered May 6, 2010 at Docket No. M-2009-2123944, does not contain a provision for customers to opt out of smart meter installation."

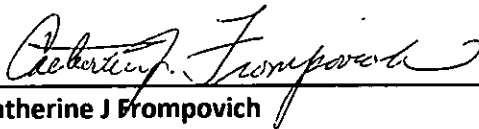
Reason and Supporting Statement for Exception No. 4

Complainant respectfully refers the court to "[w]hile statements made by legislators during the enactment process are not dispositive of legislative intent, they may be properly considered as part of the contemporaneous legislative history." [*Washington v. Baxter*, 719 A.2d 733, 738 (Pa. 1998)] as no opt out provision was necessary because the PA state legislature voted that smart meters were not to be mandatory, as fully explained in Exception No. 1 above. Therefore, applying *Washington*, there is no need for opt-out language because HB2200, as passed, stated that smart meters were not mandatory so, therefore, Complainant has an automatic legal right and ability to refuse a smart meter with no legal harassment from PECO or the PA PUC, as PA legislators intended, discussed and passed no smart meter mandates in Pennsylvania in 2008, which PECO and the PA PUC must abide by, and which Complainant respects fully.

CONCLUSION AND PRAYER TO THE COURT

Complainant contends the PA PUC has erred in its interpretation of HB2200/Act 129 of 2008 and overreached in its agency authority to implement mandatory smart meters, which the PA state legislature did NOT pass, nor intend to pass, as verified in published House and Senate Journals of the day as cited in Exception 1 above. Therefore, Complainant is entitled by the U.S. Constitution to exercise her sovereignty over her home, person, body, and privacy by rejecting a smart meter without penalty of harassment, electricity disruption/cut off, or legal prosecution.

Date: June 26, 2015


Catherine J Frompovich

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

JUN 26 2015

EXHIBIT A

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

SELECTED QUOTATIONS FROM SCIENTISTS WHO SIGNED THE INTERNATIONAL EMF SCIENTIST APPEAL
<http://www.emfscientist.org/index.php/science-policy/expert-emf-scientist-quotations>

We are now entering the era of "The Internet of Things" (IoT) where all our appliances will be Wi-Fi enabled, endlessly communicating with each other and us through so-called smart devices. This "brave new world" dictates that human exposure to radiofrequency radiation must greatly increase in order to accommodate the technology. *This is a planned world being created by technocrats totally ignorant of the reality of our biology, an ignorance fostered by the existing thermal-effects only standards/guidelines.* Now, more than ever, we need new, biologically relevant standards to meet the challenge of the future. [Emphasis added]

Don Maisch, PhD., Australia,

"It would help parents and policy makers if consensus among advisory organisations and scientists could be reached acknowledging that assurance of safety of chronic low-dose radiofrequency exposure cannot be guaranteed and is related to ill-health in some people. Therefore, minimising exposure, especially children's, is sensible. This should be treated like other daily health precautions and warnings such as those about diet."

Prof. Mary Redmayne, Ph.D., Department of Epidemiology & Preventive Medicine, Monash University, New Zealand

"Man-made electromagnetic fields impact all living organisms, acting first on the unit membrane. We must reduce our dependence on 'wireless' technologies, reduce the numbers of masts (i.e., cell towers), of Wi-Fi apparatus, of cordless phones and so on, and clearly indicate, in public spaces, the intensity of the ambient electromagnetic field." [Emphasis added]

Prof. Marie-Claire Cammaerts, PhD., Free University of Brussels, Faculty of Science, Belgium.

Non-ionizing radiation (NIR) absorption by the population increased many times in the last few decades. The health effects of this will show a dramatic impact in the near future. Therefore effective precautionary procedures should urgently be adopted aiming to reduce NIR exposure and to reduce its health risks, in line with the IARC 2002 and 2011 recommendations that NIR is a possible human carcinogen". [Emphasis added]

Alvaro Augusto de Salles, PhD., Professor, Federal University of Rio Grande do Sul – UFRGS, Porto Alegre, RS, Brazil.

One of the most serious environmental pollutants affecting the health of human populations and resulting in chronic illness is electrosmog. A combination of low frequency electromagnetic fields, poor power quality, ground current and especially radio frequency and microwave radiation is making people sick. [...] We have enough peer-reviewed scientific studies documenting the adverse effects, which include cancers, reproductive problems and symptoms of electrohypersensitivity, for governing bodies to promote practices, devices and legislation that reduce our exposure to these frequencies. [Emphasis added]

Dr. Magda Havas, PhD, Environmental and Resource Studies, Centre for Health Studies, Trent University, Canada

"Electromagnetic fields from power and telecommunications systems, as they are present in our everyday environment, have biological and human health impacts that have not been officially acknowledged. The effects of these fields have simply not been taken seriously enough." [Emphasis added]

Paul Héroux, PhD, Department of Epidemiology, Biostatistics and Occupational Health McGill University Medicine, Montreal Canada

"Our studies show that exposure to electromagnetic fields with intensity lower than the ICNIRP exposure guidelines can produce biological effects. Thus, on a precautionary basis, before we understand the detailed mechanisms, we should adopt protective standards for the ubiquitous and increasing electromagnetic fields in occupational and public environments." [Emphasis added]
Dr. Wenjun Sun, Director of Institute of Environmental Medicine, Bioelectromagnetics Key Laboratory, Zhejiang University School of Medicine, Hangzhou, China

"Evidence of health hazard is here since IARC 2011. It surely was enough time to introduce new safety standards and Precautionary Principle." [Emphasis added]

Dariusz Leszczynski, Ph.D., Adjunct Professor of Biochemistry, University of Helsinki, Finland; Member of the IARC Working Group that classified cell phone radiation as possible carcinogen.

The harmful effects of electromagnetic fields, regardless of their frequencies, are now scientifically settled. Pregnant women (the fetus) and children and adolescents are particularly vulnerable. WHO has recognized the possibly carcinogenic effects of electromagnetic fields; its policy program should now be urgently extended to the recognition of electrohypersensitivity as a full affection entering the nosologic framework of Idiopathic Environmental Intolerance. This is what the international congress held on the 18th of May, 2015 at the Royal Belgian Academy of Medicine proposes. [Emphasis added]
Dominique Belpomme, MD, MPH, Professor in Oncology, Paris V Descartes University, European Cancer & Environment Research institute, Executive Director.

"Our research finds that periodic, pulsed electromagnetic fields used for wireless communication reduce vegetative bioregulation activity. Continued exposure to WiFi in Germany has deleterious effects on the cardiovascular system. "We must reduce the spread and utilization of these systems." [Emphasis added]

Lebrecht von Klitzing, PhD. Medical Physicist, Institute of Environmental Physics, DE 36466 Wiesenthal, Germany

Prof. Dr. Lebrecht von Klitzing, Medizinphysiker (DGMP), Medizinphysik - Umweltphysik, DE-36466 Wiesenthal, Schwimmbadweg

"Wireless technology has driven most new high-tech products and has been a key factor in everyday domestic and commercial life. Still no serious efforts have been made by authorities to look seriously without bias at the health effects especially for heavy users, children, and pregnant women. Our research points out the necessity for precautionary measures and new safety limits given the complexity of the signals (with modulation and pulses) unlike any other radiation on earth." [Emphasis added]

LUKAS H. MARGARITIS, Professor emeritus of Cell Biology and Radiobiology, Coordinator, Radiation Research Program THALIS Dept of Cell Biology and Biophysics, Faculty of Biology. NATIONAL AND KAPODISTRIAN UNIVERSITY OF ATHENS, Greece

"The debate about the effect of electromagnetic fields (EMFs) on human health is a growing concern of the 21st century. On the basis of scientific evidence, there is no question that EMF emissions from several devices like cell phones, cellular antennas, and microwave ovens, have a causative effect on the brain and reproductive organs. But no action has been taken despite our awareness of the harmful impact of electro-pollution due to political interference. It is therefore imperative that the implications of electro-pollution must be fully explored by government bodies after consulting with concerned experts, and safety criteria be re-examined." [Emphasis added]

Dr. Kavindra Kesari, MBA, PhD., Resident scientist, School of Environmental Science, University of Eastern Finland, Kuopio Finland; Assistant Professor, Professor, Jaipur National University, India

Limiting the exposure to electromagnetic fields is indeed among the basic steps to ensure a better life for mankind!"

SMJ Mortazavi, Ph.D, Professor of Medical Physics, Ionizing and Non-ionizing Radiation Protection Research Center (INIRPRC), Dean, Medical Physics & Medical Engineering Department, Dean, Shiraz University of Medical Sciences, Iran

It is immoral that the regulatory standards electromagnetic fields (EMF) used in cellular communication are inadequate and pose a serious health risk. The amount of harm from radio frequency EMF exposure to the brain is inestimable. Children are at higher risk, than professional workers.'

Professor Yuri Grigoryev, MD, Chairman of Russian National Committee on Non-ionizing Radiation Protection; Member, International Advisory Committee for the WHO "EMF and Health" Program. Moscow, Russia.

"International exposure guidelines for electromagnetic fields (EMF) must be revisited due to the existence of their adverse effects on our bodies, particularly on the male reproductive system. It is time to re-establish the safety level of EMF for the general public to reduce our exposure to protect us from EMF." [Emphasis added]

Dr. Yoon-Won Kim, MD. PhD. Professor, Hallym University and member of the Bioelectromagnetics Society, Korea.

"Trees and animals are showing important signs that mankind does not comprehend. We know with certainty that anthropogenic electromagnetic radiation is slowly eroding the health of living organisms: animals, plants and people. It is urgent that society as a whole address this serious environmental and health problem." [Emphasis added]

Alfonso Balmori, Biologist. Independent researcher on wildlife and EMF, Spain

"Technological applications using non-ionizing radiation are advancing rapidly, increasing at every step the gap with the assessment of their possible side effects. The REFLEX project and other scientific reports others like the BioInitiative have unfortunately been ignored by the authorities worldwide. Perhaps the coming generations will curse these leaders for their ineffectiveness at the right moment". [Emphasis added]

Claudio Gomez- Perretta, MD, PhD. Researcher, University La Fe of Valencia, Spain

"Based upon epidemiological studies there is consistent evidence of increased risk for brain tumors (glioma and acoustic neuroma) associated with use of wireless phones. Urgent revision of current guidelines for exposure to radiofrequency emissions is needed." [Emphasis added]

Lennart Hardell, MD, PhD, Department of Oncology, University Hospital, Orebro, Sweden

"Active mobile phone handsets have a dramatic impact on the behavior of honeybees by inducing the worker piping signal, triggering the swarming process, the sign of a disturbed bee colony. Signals from mobile phones and masts (i.e., cell towers) could also be contributing to the decline of honeybees around the world. I am calling on the international scientific community for more research in this field and for protection of this crucial pollinator."

Dr. phil. nat. Daniel Favre, Biologist and apiary adviser, Switzerland

"None of the radiofrequency radiation exposure guidelines take pregnant women, fetuses, and the elderly into consideration! RF exposure limits for the general public should be lowered to protect all those more vulnerable to electromagnetic fields."

Prof. Dr. Nesrin Seyhan, Founding Chair, Biophysics Dept ; Founding Director, GNRK Center Medical Faculty of Gazi University, Ankara, Turkey

"International exposure guidelines for electromagnetic fields must be strengthened to reflect the reality of their impact on our bodies, especially on our DNA. The time to deal with the harmful biological and health effects is long overdue. We must reduce exposure by establishing more protective guidelines." [Emphasis added]

Martin Blank, PhD., Special Lecturer, Columbia University, New York USA

"While human health and safety continue to be dismissed by many, growing scientific evidence is showing a dark side to cell phone, WiFi, smart meter and point-to-point technologies. Migratory birds - - incredibly important to the global economy and for the ecological services they provide -- now appear to be negatively affected by non-ionizing radiation. This alarm sounds a call to action acknowledging that electromagnetic radiation is indeed a problem that needs to be addressed." [Emphasis added]

Dr. Albert Manville, Adjunct Professor, Johns Hopkins University; Senior Wildlife Biologist, U.S. Fish & Wildlife Service (FWS), Emeritus/Retired; and Wildlife Consultant, WHCS LLC.,USA

"U.S. regulatory standards and international guidelines only control for short-term heating of tissue. The standards do not protect us from the low-intensity, chronic exposures to electromagnetic fields (EMF) that are common today. The scientists who signed the Appeal request that the UN and member nations protect the global human population, and animal and plant life from EMF exposures." [Emphasis added]

Joel Moskowitz, Ph.D., Director of the Center for Family and Community Health, School of Public Health, University of California, Berkeley, USA

Catherine J Frompovich

v.

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C-2015-2474602

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for
EXCEPTIONS

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

TO INITIAL DECISION GRANTING PRELIMINARY OBJECTIONS ORDER

Before
Elizabeth H Barnes
Administrative Law Judge

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of §1.54 (relating to service by a party).

Rosemary Chiavetta, Secretary
PA Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265
Service via US Postal Service Certified Return Receipt Requested Mail

The Commission's Office of Special Assistants (OSA)
Service via email at ra-OSA@pa.gov

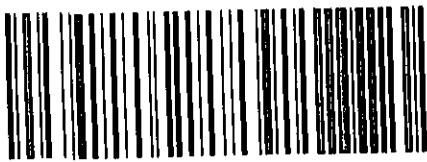
Respondent PECO/Exelon
Shawane L. Lee, Assistant General Counsel, PECO
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Dated the 26th day of June, 2015

Catherine J Frompovich



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