

**Catherine J Frompovich**  
**23 Cavendish Drive, Ambler, PA 19002**  
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**July 3, 2017**

**Certification of Frompovich Reply to PECO Energy Company Exceptions June 23, 2017**  
**Posted U.S. Postal Service July 3, 2017**

***Catherine J Frompovich v. PECO Energy Company, C-2015-2474602***

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Commonwealth of Pennsylvania  
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Respectfully submitted by,

  
Catherine J Frompovich, *Pro Se*

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JUL - 3 2017

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Case No. C-2015-2474602  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CATHERINE J. FROMPOVICH

vs.

PECO ENERGY COMPANY

CATHERINE J. FROMPOVICH REPLY TO PECO ENERGY COMPANY EXCEPTIONS  
JUNE 23, 2017

Catherine J. Frompovich, *Pro Se*  
23 Cavendish Drive  
Ambler, PA 19002  
215-653-7575

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Catherine J. Frompovich**

**v.**

**PECO Energy Company**

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**C-2015-2474602**

**Reply to PECO Energy Company Exceptions June 23, 2017**

1. PECO attorney Ward Smith's *Reply to Exceptions* dated and emailed June 23, 2017 are replete with fabrications to create an altered reality of what Frompovich actually wrote in her Exceptions, which Smith cherry picked and wordsmithed to **create out-of-context downright contrived fabrications** intended to impugn Frompovich's standing before the PA PUC, the PA PUC's Administrative Law Court and Her Honor ALJ Darlene Heep, who ought to know better than to accept PECO/Smith's legal creative writing insofar as the original two-volume Transcript, plus Frompovich's Brief filed January 20, 2017, Frompovich's Respondent's Brief dated February 10, 2017, and Frompovich's Exceptions Protest filed June 7, 2017 prove in writing, if not altered by anyone receiving those documents, **unequivocally what Frompovich said at the hearing and in her writings to the Court.**

2. One of the most valued principles of being a United States of America citizen is one has the U.S. Constitution to protect one's personal rights, which Frompovich invokes now in order to protect her life, health and reputation—plus her property from AMI Smart Meters EMFs/RFs pulses—in view of the apparently illegal and pejorative manner PECO/Smith are trying to practice law and impugn Complainant Frompovich in an Administrative Law Court, which is owned by and always finds legally in favor of its master; in this case the PA PUC, as each AMI

Smart Meter case ALJ Heep and other Judges have adjudicated mandating Pennsylvanians' health be damaged and even destroyed by technologically unsafe pulsed microwave transmissions, which cause inordinate health harms as documented since the 1930s, which ICNIRP and other vested-interest microwave principles unabashedly DENY! They call that "consensus microwave science."

3. However, both the U.S. Constitution and the Pennsylvania Constitution guarantee Frompovich and all citizens our unalienable rights to defend ourselves when our life and property are in danger. Nothing presents more danger to Frompovich, an almost 79-year-old breast cancer survivor, than: 1) PA PUC's misinterpretation of Act 129 (2008) which regulators erroneously *believed*, as the PA PUC's Office of Communications Dave Hixson stated in his letter to Mr. Thomas McCarey dated March 22, 2017, that the PA State Legislature had passed a mandatory AMI Smart Meter bill (HB2200) rather than the **OPT-IN bill** it actually had written and passed, and is of published record; 2) the dogged harassment by PECO that Frompovich be considered a miscreant for protecting her God-and-Nature-given rights to protect her life, health, and property from invasive and health-damaging effects of EMFs and RFs transmitted by AMI Smart Meters non-thermal radiation waves emitted by AMI Smart Meters that will travel over the copper wiring inside the walls of Frompovich's house creating sinusoidal spikes—aka "dirty electricity," which can be thousand times the voltage permitted to travel over 60Hz wiring, thereby creating both fire and health hazards; and 3) total disregard for the health and wellbeing of Frompovich and all Pennsylvanians by those domineering entities involved in the state-wide AMI Smart Meter debacle and fiasco, which is unnerving and making numerous Pennsylvanians very sick, especially those who have chronic diseases, autistic children, those who suffer with electromagnetic hypersensitivity (EHS) aka IEI (idiopathic environmental intolerance) and

cancer patients or survivors because **cell phone microwave technology radiation emissions, which AMI Smart Meters use to operate, have been classified as a Class 2B carcinogen by the UN's World Health Organization's IARC<sup>1</sup>**. PECO/Smith like to point out that refers to glioma, which is brain cancer! Scientifically, anything capable of causing a specific type of cancer also is known to possess a proclivity to contribute to other carcinomas.

Please note Frompovich is citing an Internet document, which PECO/Smith contend such documents are “hearsay. It’s from the UN’s WHO’s IARC! *Is that hearsay?* However, during Frompovich’s hearing, when Frompovich tried introducing similar documents, they were not acceptable; however, PECO’s ‘expert witnesses’ could cite Internet documents or data, and those were acceptable! There seems to be a double-standard at law operating when it comes to Frompovich introducing valid academic and peer review journal documentations regarding cancers and/or cell phone microwave technology emissions, the same technology principle by which AMI Smart Meters function, or EMFs/RFs information that would negate ICNIRP’s, PECO’s and the PA PUC’s archaic, flat-earth position about microwave technology wavelengths not capable of causing other harms than heating or burning the skin, which comes from over fifty-year-old ‘science’ not updated.

**Updating microwave science *to make it safe* would require costly improvements, which would not fit in with the U.S. military agenda and microwave tech industries cost analyses.**

**“Should subsequent research result in adoption of the Soviet standard by other countries, *industries whose practices are based upon less stringent safety regulations could be required to make costly modifications in order to protect workers.* Recognition of the .01 mW/cm2 standard could also limit the applications of new electronic**

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<sup>1</sup> [http://www.iarc.fr/en/media-centre/pr/2011/pdfs/pr208\\_E.pdf](http://www.iarc.fr/en/media-centre/pr/2011/pdfs/pr208_E.pdf) accessed 6-29-17

technology by making the commercial exploitation of some products unattractive because of increased costs imposed by the need for additional safeguards."<sup>2</sup>

However, that Army Surgeon General's report admitted this even more-telling scientific lead about non-thermal radiation waves:

"Nevertheless, monitoring of Soviet research on the action of drugs in combination with microwave radiation should continue, since such studies may eventually result in the **detection of nonthermal safety hazards** resulting from the *mutually* potentiating effects of radiation fields and pharmacological compounds."<sup>3</sup>

4. Scientifically, there was a time when the sun revolved around the Earth and Earth was the center of the Universe! That's ICNIRP's and PECO's apparent medieval scope of EMF/RF expertise and information regarding updating their fifty-plus-year-old microwave/radar 'research'. The PA PUC and its captive Court ought to be ashamed of themselves that they still are in the flat-Earth thinking society and stage of science regarding EMFs/RFs/ELFs and microwave thermal and non-thermal radiation wave lengths. *There are none so blind as those who refuse to see.*<sup>4</sup>

5. Frompovich feels morally, legally and conscience-bound to inform—and to petition—the AL Court and its Judge(s), plus the PA PUC, to **review thoroughly the following out-of-context fabrication examples created by PECO/Smith in their June 23, 2017 Exceptions** filing in order to make certain the law is not diminished into a gutter activity of pejoratives and fabricated cherry-picked, out-of-context statements, **but the facts of the case at hand**, as

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<sup>2</sup> Defense Intelligence Agency "Biological Effects of Electromagnetic Radiation (Radiowaves and Microwaves) Eurasian Communist Countries (U)" Pg. 24, Prepared by U.S. Army Medical Intelligence and Information Agency Office of the Surgeon General / accessed 6-30-17 at [http://www.magdahavas.com/wordpress/wp-content/uploads/2011/02/BIOLOGICAL\\_EFFECTS\\_OF\\_ELECTROMAGNETIC\\_RADIATION-RADIOWAVES\\_AND\\_MICROWAVES-EURASIAN\\_COMMUNIST\\_COUNTRIES.pdf](http://www.magdahavas.com/wordpress/wp-content/uploads/2011/02/BIOLOGICAL_EFFECTS_OF_ELECTROMAGNETIC_RADIATION-RADIOWAVES_AND_MICROWAVES-EURASIAN_COMMUNIST_COUNTRIES.pdf)

<sup>3</sup> Ibid. Paragraph 3.

<sup>4</sup> AD/CE 1547 attribution to John Heywood.

Transcripts 1 and 2, and Frompovich's Brief filed January 20, 2017, Respondent's Brief filed February 10, 2017 and Exceptions Protest filed June 7, 2017 substantiate in WRITING, and to be factored into what's at stake: PECO's fabricated altered reality Exceptions in order to prevail at law before this Court.

***Examples of PECO/Smith manufactured altered reality statements***

**6. Example No. 1 Page 2, II. Reply to Exceptions**

- A. ...Ms. Frompovich's testimony demonstrates that she entered the hearing room having made a prejudgment that the proceeding would be biased against her (Reply to Frompovich Exceptions ¶¶ 1,3,5,6,7,9,10,11, 16,17 and 18)

Legally, how can PECO/Smith make such an ill-founded statement when Attorney Smith is neither a psychologist nor a medical professional capable of determining Frompovich's attitudes or condition of mind? Furthermore, if Frompovich were to have been so inclined, **especially after reading many of the decisions the AL Court handed down to all previous Complainants**, she could not be faulted for coming to an obvious conclusion that her case was "in the PUC's can" since all previous Complainants' cases were ruled in favor of the PA PUC and PECO! *Fact not fiction!*

**However, Frompovich came to Court with a hopeful and open mind and attitude about U.S. Law, bringing with her 32 Exhibits as per the schedule below plus a written statement she was not permitted to read.** The hearing took on a court trial atmosphere. However, most Exhibits, **especially those regarding cancer** and EMFs/RFs/ELFs constantly were objected to by PECO's legal team. Seemingly, they could not permit any information about cancer to be entered into the record, since Frompovich's documents were taken off the Internet and PECO/Smith contested that, as such, they were hearsay, which probably acts as a Catch-22 legalistic formality in enabling AL Courts to prevail against Complainants and others

who rely upon computers. Academics, medical, scientific and independent researchers, including government agencies, publish their information on the Internet!

**See Page 3 of PECO/Smith Exceptions:**

PECO provides the following reply to Frompovich's Exceptions:

1. The ALJ properly limited the evidentiary use of internet documents offered by Ms. Frompovich. Those Internet documents are hearsay and cannot be relied upon to prove the truth of the matters asserted therein (Reply to Frompovich Exceptions ¶¶ 3,4,6 and 17)

However, when PECO's paid experts stated information that was published by ICNIRP or other microwave industry interests, which appears on the Internet, that documentation/information somehow was admissible as 'truth'. What's truth, but one's perception? **Facts are the truths, not consensus**, and there are tons of factual academic, medical and independent research science proving Frompovich's claims regarding non-thermal waves health issues, **especially cancers**, and microwave pollution (referred to as "electrosmog") emitted by AMI Smart Meters, including PECO's—as none are exempt because of their frequency transmissions and ZigBee two-way radios!

How could PECO/Smith be so confident of Frompovich's prejudgment when she came to Court with the following 32 Exhibits, of which **only twelve were mentioned** in the official Transcripts Volume 1 and 2, **but not accepted as facts!**

***Schedule of Frompovich EXHIBITS***

- Exhibit A-1*** Americans with Disability Act Amendments Act Sections 1630.2 (G), (J), (I), (j) (1)(iii) which copy and paste sections of that act the PA PUC must consider, especially since the entities involved, utility companies, are receiving federal funds. (2 pages)
- Exhibit A-2*** ADA Amendments redefine cancer as a disability (2 pages)
- Exhibit A-3*** **BREAST** and Other Cancers and EMF/ELF/RF Cancer Studies (43 pages)
- Exhibit A-4*** Letter dated Aug. 2, 2016 to the Chair of the North Carolina Utilities Commission signed by 5 of the most prominent research academics, etc. re: RFR health effects and the problems associated with Smart Meters (2 pages)



<b><i>Exhibit A-5</i></b>	<b>Dirty Electricity or Dirty Power (15 pages)</b>
<b><i>Exhibit B-1</i></b>	<b>World Health Organization IARC Classifies Radiofrequency Electromagnetic Fields as Possibly Carcinogenic to Humans (7 pages)</b>
<b><i>Exhibit B-2</i></b>	<b>Radiofrequency and Mammary Carcinogenesis in Rats: The Ramazzini Study (17 pages)</b>
<b><i>Exhibit C</i></b>	<b><i>EMFacts Consultancy</i> “Microwave News: One Type of Brain Tumor IS Going Up, the Deadliest Kind” (1 page)</b>
<b><i>Exhibit D-1</i></b>	<b>Culpability at Law (1 page)</b>
<b><i>Exhibit D-2</i></b>	<b>20 Neurological Effects from RFs</b>
<b><i>Exhibit E</i></b>	<b>Video “The Dark Side of Smart Meters” 33 minute video link with overview (1 page)</b>
<b><i>Exhibit F</i></b>	<b><i>Journal of Microscopy and Ultrastructure</i> article “Why children absorb more microwave radiation than adults: The consequences Key word Carcinogenic” 8 pages attached with 2 page overview by Frompovich (10 pages)</b>
<b><i>Exhibit G</i></b>	<b>“Exposure limits: the underestimation of absorbed cell phone radiation, especially in children” journal Abstract with Frompovich overview (1 page)</b>
<b><i>Exhibit H</i></b>	<b>“EMFs and changes in the Complete Blood Count” Frompovich overview (3 pages)</b>
<b><i>Exhibit I</i></b>	<b>American Academy of Environmental Medicine 5-page statement “Electromagnetic and Radiofrequency Fields Effect on Human Health” (5 pages)</b>
<b><i>Exhibit J</i></b>	<b>Microwave Sickness defined with 4-page journal <i>Occupational Medicine</i> article attached (6 pages)</b>
<b><i>Exhibit K</i></b>	<b>“The Microwave Syndrome” 3-page article with Frompovich overview (4 pages)</b>
<b><i>Exhibit L</i></b>	<b>U.S. Military Role in Deterring Radiowaves &amp; Microwaves Unclassified Document with URL link to document (3 pages)</b>
<b><i>Exhibit M</i></b>	<b>Non-thermal Electromagnetic Health Effects studies/papers published at PubMed (2 pages)</b>
<b><i>Exhibit N</i></b>	<b>U.S. Government Study Finds Wireless Causes Cancer / the 2016 NTP Cancer Study (3 pages)</b>
<b><i>Exhibit O</i></b>	<b>Radiofrequency Research chart: Non-industry studies v. Industry studies (1 page)</b>
<b><i>Exhibit P</i></b>	<b>Parallels Between EMF Effects and Autism Findings (1 page)</b>
<b><i>Exhibit Q</i></b>	<b>Smart Meters Cost Effectiveness Questioned (2 pages)</b>
<b><i>Exhibit R-1</i></b>	<b>Bio initiative 2012 – 1800 new studies report 3 pages)</b>
<b><i>Exhibit R-2</i></b>	<b>Scientific-Medical Evidence of EMF Radiation</b>

- Exhibit S***      **Bibliography of Pertinent Published Literature Regarding Electromagnetic Radiation, Cancer & AMI Smart Meters [3 pages]**
- Exhibit T***      **Electrosensitivity (ES) and Electromagnetic Hyper-sensitivity (EHS) (1 page)**
- Exhibit U-1***    **Why children absorb more microwave radiation than adults: The Consequences (1 page)**
- Exhibit U-2***    **American Academy of Pediatrics Letter Aug. 29, 2013 to FDA & FCC requesting SARs rates be made public (2 pages)**
- Exhibit V***      **The Hidden Marginalization of Persons With Environmental Sensitivities (1 page)**
- Exhibit W***      **Electrohypersensitivity: a functional impairment due to an inaccessible environment (11 pages)**
- Exhibit X***      **A review on Electromagnetic fields (EMFs) and the reproductive system (11 pages)**
- 32 Exhibits***

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7. Based upon the above FACTS of what transpired, Frompovich came to Court loaded with documentation she was not permitted to submit into testimony! How can PECO/Smith claim a predetermined prejudgment? If anything, it was Frompovich's determination to impress the Court with research information regarding AMI Smart Meters, EMFs/RFs and cancers, including breast cancer, which was not acceptable to PECO and the Court!

8. Further proof of Frompovich's apparent disbelief at not being able to introduce scientific information, Transcript Vol. 1, 17 (8-18) states:

**Judge Heep: I'm going to have to sustain that objection because the statement was written by someone who is not present, and therefore it's hearsay.**

**The Witness: (Frompovich) Well, Your Honor**

**Judge Heep: The terms of it are hearsay.**

**The Witness: Excuse me. If I may say something, I'm a very up-front person and I affirmed to tell the truth. I presume and assume wholeheartedly and honestly that this case is going to be manufactured against anybody who is an opponent to Smart Meters. So why don't I just go home now.**

9. Experiencing what Frompovich did—almost routinely, she was frustrated that her information and Exhibits routinely were being objected to by PECO Attorneys and sustained by

the Court! Why bother to ask any Claimant to appear before the AL Court, if the Court doesn't want to hear what the Claimant wants to present and say, but censor a Claimant's input to suit the Court or PECO?.

#### **10. Example No. 2**

On page 4, PECO/Smith state:

First, the record needs to be set straight on the evidentiary rulings that were actually made by ALJ Heep. A careful review of the transcript will demonstrate that, for every internet-derived document that Ms. Frompovich mentioned on the record, she was ultimately allowed to either testify about the document or read from it and ask cross-examination questions about it."

In Transcript Vol. 1, 18 (8-10) there is further proof of Frompovich not being permitted to introduce information when **Judge Heep states:**

All right. Let's focus right now on this letter, **and as I said I'm not going to allow your physician's statement into the record.**

Further proof Frompovich was prevented from entering germane information about her case from her attending physician to be read into the record. That is totally outrageous and indicative of how PECO/Smith's Exceptions contradict the facts of what transpired in Court. The PA PUC needs to understand what really transpired about not allowing Frompovich to enter documents into testimony.

#### **11. Example No. 3**

PECO/Smith state in Exceptions Page 5, ¶¶5-6:

ALJ Heep: All right. Let's see how I can clarify this. **Let me clarify we're not going to accept the articles themselves as evidence;** however, you can testify. You can say any opinion regarding, my expert opinion is that emissions cause cancer or aggravate cancer, whatever your opinion is. I base that because the articles I've read say whatever they say.

You can then say the article, but how many pages it is and reading specifically from it is not helpful to your case **because those articles will not be admitted.**

**Again and again, Frompovich is told her information will not be admitted!**

**12. Example No. 4**

PECO/Smith state in Exceptions Page 5, ¶8:

Having thus been clearly informed that she could testify about the breast cancer studies, Ms. Frompovich immediately switched topics to discuss her view of the Americans with Disabilities Act. Tr. 37.

**Frompovich's Exhibit-3 Breast and Other Cancers and EMF/ELF/RF Cancer Studies (43) pages** representing about **240 published peer review studies** were not permitted to be entered into the testimony or record, so Frompovich could not discuss them, even though PECO/Smith made the above statement that Frompovich could testify about breast cancer studies!

Here's the testimony in Tr. Vol. 1 36 (7-17):

**The Witness: Breast cancer and EMF, ELF, RF published studies 1986 to 2005, breast cancer studies and other various cancers produced by EMF, ELF, and RF. There's approximately 240 on 43 printed pages.**

Judge Heep: All right. Let's see how I can clarify this. Let me clarify **we're not going to accept the articles themselves as evidence**; however, you can testify. You can say my opinion regarding, my expert opinion is that these emissions cause cancer or aggravate cancer, whatever your opinion is. I base that because the articles that I've read say whatever they say.

You can then name the article, but how many pages it is and **reading specifically from it is not helpful to your case because those particular articles will not be admitted.**

A reality check really is needed here and in the practices of AL Court law. Talk about them, but they are not admitted! How off-the-wall logic is that?

Judge Heep, however, made the following acknowledgment Tr. 30 (1-5):

We at this juncture would recognize you an expert in nutrition and natural healing; however, cancer we agree that we don't have enough background to find that you're an expert on cancer unless you can further explain how you're an expert in that area.

However, on Tr. 33 (9-12), Judge Heep states:

**All right. We're going to recognize you as an expert in a very limited area on nutrition, natural healing, and treating cancers from that perspective.**

But still, all cancer documents and information Frompovich tried introducing were objected to by PECO attorneys and sustained by the Judge. Frompovich's introduction of the Americans with Disabilities Act Amendments Act was germane to cancer patients and survivors insofar as Frompovich in Tr. Vol. 1 37 (7-17) said,

**The Witness: In my expert opinion, I do not want to be subjected to dirty electricity, to the EMFs, to all the radiation or nonthermal possibilities that can affect my body especially since the Americans with Disabilities Act has said that anyone who has had cancer should now be considered as a person who is covered by that, the ADAAA.**

**And any agency or company that deals with and receives federal funding has to abide by that, and I believe PECO has received a fair amount of funds to implement the Smart Meters.**

Judge Heep then replied Tr. 37 (18-19)

**That is not assisting your complaint and is not responsive.**

Not having her cancer studies/documents accepted and not being able to discuss them, Frompovich introduced a federal government law to make her point about cancer, which apparently was not acceptable either.

Again, Frompovich addresses her documentation not being accepted at Tr. Vol. 1, 38 (1-11):

**The Witness: Your Honor, what I'm going to tell you is this. Obviously, this case isn't going to go anywhere because none of my information is going to be acceptable to the Court because it is all published documents which you don't want to accept, and I don't understand that. I did not manufacture4r them.**

**I have with me a jump drive if you want to look at it on your computer that you can pull it all up. Everybody does research on computers anymore, so it's all there; and I just don't understand how this Court is acting.**

Again, another indication of Frompovich's information not being accepted by the Court!

Furthermore, Frompovich stated in her Brief dated January 20, 2017 Pp.14-15, Clause 29, in part:

**ADAAA Section 1630.2 (I) Major Life Activities states:**

“The link between particular impairments and various major bodily functions should not be difficult to identify. Because impairments, by definition, affect the functioning of body systems, they will generally affect major bodily functions. For example, **cancer affects an individual’s normal cell growth**; diabetes affects the operation of the pancreas and also the function of the endocrine system. Likewise, sickle cell disease affects functions of the hemic system, lymphedema affects lymphatic functions, and rheumatoid arthritis affects musculoskeletal functions.”

PECO/Smith’s recital of the Transcript 38-39 is accurate including another denial of Frompovich’s documents being admitted when ALJ Heep states at Tr. 39 (2-4):

**You agreed to testify to that. What I’m explaining to you is the documents themselves will not be admitted.**

PECO/Smith in Exceptions Page 7 ¶1 state:

Two things jump out of that discussion. First, ALJ Heep did everything that she could to elicit testimony from Ms. Frompovich on her internet breast cancer studies. It was Ms. Frompovich who, despite repeated opportunities and entreaties, refused to provide testimony.

**For the record, Frompovich felt none of her information no matter how she tried to present or talk about it, would be allowed or would be objected to!**

Second, in her Exceptions (¶4) Ms. Frompovich claimed that her studies “specifically [on] breast cancers, were rejected and not permitted to be entered into the record; something this Court was remiss in by sustaining PECO’s objections time after time” – but it is clear from the dialogue set forth above that PECO never objected or even spoke at any point during Ms. Frompovich’s testimony regarding the internet breast cancer studies.

PECO/Smith’s objections at Court are discussed at various times, but one notable lengthy objection discussion is discussed in Tr. Vol. 1 43-46, when Judge Heep finally says, (16-17):

Well, I’m going to sustain the objection. You can move on to the next one.

Again, Mr. Smith raises at Tr. Vol. 1, 46 (25)

**Objection, Your Honor.**

Mr. Watson, PECO's other legal counsel at the hearing, also raised two objections in Tr. 50, Vol. 1 (8-14):

Two objections to this. The first is, she's provided a couple of pages from a several-hundred-page report, so it is an incomplete document. The second is, she makes no representation that this is related to breast cancer. I am not aware and I don't think that there's any findings in that report that are specific to breast cancer.

Judge Heep: Ms. Frompovich?

The Witness: May I counter that, Your Honor.

Judge Heep: Yes.

The Witness: The specifics with regard to this report is that there are over 1,800 new studies which say that these EMF electromagnetic radiation intensities damage DNA, interfere with DNA repair. That is critical to any stage of disease process whether it's cancer, whether it's a fetal structure from zero to nine months to death, from life to death; and this is the key to creating a healthy body and keeping a body health, our DNA.

Would you like to see it, ma'am?

Judge Heep: Yes.

(Whereupon, Mr. McCarey handed document to Judge Heep.)

Mr. Smith: This is one three-page chapter from what she just characterized as something that summarizes 1,800 studies and is a several-hundred-page report. It's inappropriate to have portions of documents that are going in like this.

Judge Heep: I'm going to overrule.

Mr. Smith: Thank you.

Judge Heep: it's R-1. (Whereupon, the document was marked as Complainant's Exhibit Number R-1 for identification.)

Furthermore, indication of PECO/Smith's position on any of Frompovich's documents that were admitted **but not as facts**, Mr. Smith at Tr. 69 (8-29) states:

On that basis, no, Your Honor. I would like a clarity on that so that there's not any untoward surprises later. It is my understanding that that means that, when we come to the briefing stage of this proceeding, these exhibits may not be cited or quoted to prove that exposure to radiofrequency fields or Smart Meters causes adverse human health effects.

They may be cited with the proposition that Ms. Frompovich read and relied upon them in forming her opinion to that extent.

Judge Heep: I'm pausing because, if, for example, PECO's expert testified that the EMFs from the Smart Meter do not affect any natural healing or holistic treatments based on his or her review of learned treatises or reports, then your expert would have the same limits.

Mr. Smith: Yes, Your Honor. In that situation, our witness may give specific quotations from studies to say here is why I rely upon that.

### 13. *Example No. 5*

PECO/Smith “takes on” the **BioInitiative Report 2012** Frompovich wanted to introduce in their Exceptions Pp. 10-11, specifically

“When Dr. Carpenter himself appeared before this Commission and was subjected to cross-examination, his ‘extreme views’ were given no weight. While it is permissible for Ms. Frompovich, as an expert, to testify that she reviewed Dr. Carpenter’s writings and relied upon them in forming her opinion, should not be allowed to import his extreme views into a Commission proceeding for the truth of the matters that he asserts in those documents. Cross-examination in a Commission case previously exposed the weaknesses in his methods and conclusions; before his opinions could become part of another evidentiary record at the Commission, he would need to be subjected to cross-examination again.”

For PECO/Smith and the Commission to assert Dr. Carpenter presented “extreme views” is indicative of the fact Dr. Carpenter is not a member of the ICNIRP ‘club’ of consensus scientists who act like ostriches with heads in the sand or lemmings running off cliffs regarding non-thermal radiation waves from microwave technologies like AMI Smart Meters.

Below is the *Curriculum Vitae* for Dr. David O. Carpenter, MD, and I defy any of PECO’s ‘experts’ to match it, including PECO’s attorneys.

#### ***CURRICULUM VITAE***

**Name: David O. Carpenter**

Home Address: 2749 Old State Road  
Schenectady, New York 12303

#### **Positions Held:**

Director, Institute for Health and the Environment  
University at Albany

#### **Professor, Environmental Health Sciences**

School of Public Health, University at Albany  
5 University Place, A217, Rensselaer, NY 12144

#### **Education:**

1959 B.A., Harvard College, Cambridge, MA  
1964 M.D., Harvard Medical School, Boston, MA

#### **Positions Held:**

9/61-6/62 Research Fellow, Department of Physiology, University of Göteborg, Sweden with  
Professor Anders Lundberg



**7/64-6/65** Research Associate, Department of Physiology, Harvard Medical School, Boston, MA under the direction of Dr. Elwood Henneman

**7/65-2/73** Neurophysiologist, Laboratory of Neurophysiology, National Institutes of Mental Health, Dr. Edward V. Evarts, Chief, Assistant Surgeon, USPHS, currently a Reserve Officer in the USPHS.

**2/73-3/80** Chairman, Neurobiology Department Armed Forces Radiobiology Research Institute, Defense Nuclear Agency, Bethesda, MD

**3/80-9/85** Director, Wadsworth Center for Laboratories and Research, New York State Department of Health, Albany, NY

**9/85-1/98** Dean, School of Public Health, University at Albany

**9/85-Pres.** Professor, Departments of Environmental Health Sciences and Biomedical Sciences, School of Public Health, University at Albany.

**9/85-7/98** Research Physician, Wadsworth Center for Laboratories and Research, New York State Department of Health, Albany, NY

**1/98-1/05** Adjunct Professor in the Center for Neuropharmacology & Neuroscience, Albany Medical College, Albany, NY

**2001-Pres.** Director, Institute for Health and the Environment, University at Albany, SUNY, Rensselaer, NY. The Institute was named a Collaborating Center of the World Health Organization in 2011.

**2005-Pres.** Senior Fellow, Alden March Bioethics Institute, Albany Medical College/Center, Albany, New York

**Editor-in-Chief:** Cellular and Molecular Neurobiology, 1981 - 1987

**Editorial Advisor:** Cellular and Molecular Neurobiology, 1987 - Present

**Editorial Boards:** Journal of Public Health Management and Practice, 1995 - 2002

International Journal of Occupational Medicine & Environmental Health

1996 – Present

Journal of Alzheimer's Disease – Associate Editor, 2007-2009

Reviews in Environmental Health; 2008-present

International Archives of Occupational and Environmental Health; 2009-present.

Journal of Environmental and Public Health, 2009-present.

Environmental Health Perspectives, 2010-present

**National and International Committees:**

1978, 1981 Physiology Study Section (Ad hoc member)

1979-1985 NIH International Fellowship Study Section

1974-1981 Member, Steering Committee of the Section on the Nervous System, American Physiological Society (Chairman of the Committee, 9/76-4/80)

1981-1989 Member, USA National Committee for the International Brain Research Organization

1985-1986 Committee on Electric Energy Systems of the Energy Engineering Board, National Research Council

1986-1987 Member, Neurophysiology Peer Panel for the National Aeronautics and Space Administration

1987-1989 Member, Science Advisory Council of the American Paralysis Association

1987-1990 Advisory Panel for the Electric Energy System Division, U.S. Department of Energy

1985-1993 Committee #79, National Council on Radiation Protection and Measurements

1986-1997 Member, Legislative and Education Committees, Association of Schools of Public Health

1989-1994 Member, Neuroscience Discipline Working Group, Life Sciences Division of the NASA  
 1994, 1995 Federation of American Societies for Experimental Biology Consensus Conference on FY  
 1995 Federal Research Funding  
 1994-1997 Member, Legislative Committee of the Association of Schools of Public Health  
 1997 Member, Executive Committee of the Association of Schools of Public Health  
 1997-2000 National Advisory Environmental Health Sciences Council of the National Institutes of Health  
 1998-Pres. Member, U.S. Section of the Great Lakes Science Advisory Board of the International Joint Commission  
 2000-Pres. Member, Board of Directors, Pacific Basin Consortium for Hazardous Waste Health and Environment; Treasurer, 2001-2004, 2008-pres; Chair, 2004-2008  
 2001-2008 United States Co-Chair, Workgroup on Ecosystem Health of the Science Advisory Board of the International Joint Commission  
 2002-2003 Member, Committee on the Implications of Dioxin in the Food Supply, The National Academies, Institute of Medicine  
 2003-2008 Member, United States Environmental Protection Agency, Children's Health Protection Advisory Committee  
 2003-Pres. Chair, Advisory Committee to the World Health Organization and National Institute of Environmental Health Sciences on collaborative activities.  
 2007-2011 Chair, Workgroup on Risks vs. Benefits of Fish Consumption, Science Advisory Board, International Joint Commission.<sup>5</sup>

**David O. Carpenter, MD, Director, Editor of the *BioInitiative Report 2012 A Rationale for Biologically-based Exposure Standards for Low-Intensity Electromagnetic Radiation***  
 [Institute for Health and the Environment, University of Albany, Rensselaer, New York]

**Furthermore, the contributing authors to the *BioInitiative Report 2012* are not academic or professional flakes, but any scientist who does not spout the ICNIRP/PECO diatribes regarding AMI Smart Meters/EMFs/RFs/ELFs are considered to have extreme views.**

EMF Scientist International Appeal (2015): 200 researchers contact Ban Ki-moon, Secretary-General of the United Nations. Scientists call for Protection from Non-ionizing Electromagnetic	Field	Exposure
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**"ICNIRP continues to the present day to make these assertions, in spite of growing scientific evidence to the contrary. It is our opinion that, because the ICNIRP**

<sup>5</sup> [http://publicsde.regie-energie.qc.ca/projets/34/DocPri/R-3770-2011-C-S%3c3%89-AQLPA-0060-RECONSTATUTEXP-CV-2012\\_04\\_19.pdf](http://publicsde.regie-energie.qc.ca/projets/34/DocPri/R-3770-2011-C-S%3c3%89-AQLPA-0060-RECONSTATUTEXP-CV-2012_04_19.pdf) accessed 6-30-17

**guidelines do not cover long-term exposure and low-intensity effects, they are insufficient to protect public health."**

**<https://www.emfscientist.org/index.php/emf-scientist-appeal>** <sup>6</sup>

If anyone truly has "extreme views," it is ICNIRP and its acolytes, who continue to believe and promote false and misleading scientific 'consensus science' that there are no such electromagnetics such as non-thermal radiation waves. Unfortunately, the PA PUC has been caught up in the ICNIRP web of scientific consensus misguidance and falsifications, and Frompovich is subjected to such PA PUC dogmatic radical extremist thinking she knows is scientifically wrong, but slanted to effectuate vested interest propaganda and agendas. Frompovich makes that statement after researching and studying thousands of documents regarding EMFs/RFs and AMI Smart Meters, their politics, federal funds available to implement the Internet of Things, and the prominent place AMI Smart Meters play in the United Nations Agenda 21 and Agenda 30.

***The CONTRIBUTING AUTHORS to the BioInitiative 2012 Report below are academics and professionals in respective fields of medicine, environment, biophysics, epidemiology, radiation, etc. How can such a report be disregarded and considered "extreme"?***

***Answer: They do not support ICNIRP's outdated consensus science, or should I say "tobacco science."***

**Prof. Jitendra Behari, PhD**, Bioelectromagnetics Laboratory, School of Environmental Sciences  
Jawaharlal Nehru University, New Delhi, India

**Prof. Carlo V. Bellieni, MD**, Neonatal Intensive Care Unit, University of Siena, Siena, Italy

**Igor Belyaev, Dr. Sc.** Cancer Research Institute, Slovak Academy of Science, Bratislava, Slovak Republic

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<sup>6</sup> <http://www.chronicexposure.org/limits/ICNIRP.html> accessed 6-30-17

**Carl F. Blackman, PhD**, Raleigh, North Carolina USA, Founder, Former President and Full Member, Bioelectromagnetics Society [\*opinions expressed are not necessarily those of his employer, the US Environmental Protection Agency]

**Martin Blank, PhD Associate Professor (ret.)** Dept. of Physiology. College of Physicians and Surgeons, Columbia University, New York USA, Former President and Full Member, Bioelectromagnetics Society

**Michael Carlberg, MSc**, Department of Oncology, Orebro University Hospital, Orebro, Sweden

**Zoreh Davanipour, DVM, PhD**, Friends Research Institute, Los Angeles, CA, USA

**David Gee, Senior Advisor**, Science, Policy, Emerging Issues, Integrated Environmental Assessment, European Environmental Agency, Copenhagen, Denmark

**Adamantia F. Fragopoulou, PhD**, Department of Cell Biology and Biophysics, Faculty of Biology, University of Athens, Athens, Greece

**Prof. Yury Grigoriev, MD**, Chairman, Russian National Committee on Non-Ionizing Radiation Protection, Moscow, Russia.

**Prof. Kjell Hansson Mild, PhD**, Umeå University, Dept of Radiation Sciences, Umeå, Sweden  
Former President and Full Member (emeritus), Bioelectromagnetics Society

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

**Martha Herbert, PhD, MD**, Pediatric Neurology, TRANSCEND Research Program, Massachusetts General Hospital, Harvard Medical School, Boston, MA, USA

**Prof. Paul Héroux, PhD**, Department of Epidemiology, Biostatistics and Occupational Health McGill University Faculty of Medicine, and Department of Surgery, InVitroPlus Laboratory Montreal, Quebec, Canada

**Prof. Michael Kundi, PhD med habil**, Institute of Environmental Health, Medical University of Vienna, Vienna, Austria, Full Member, Bioelectromagnetics Society

**Prof. Henry Lai, PhD (emeritus)**, Department of Bioengineering, University of Washington, Seattle, Washington USA

**Prof. Abraham R Liboff, PhD, Professor Emeritus**, Department of Physics, Oakland University, Rochester Hills, Michigan, Full Member Emeritus, Bioelectromagnetics Society

**Ying Li, PhD**, McGill University Health Center, Department of Surgery, InVitroPlus Laboratory Montreal, Quebec, Canada

**Prof. Lukas H. Margaritis, PhD**, Department of Cell Biology and Biophysics, Faculty of Biology, University of Athens, Athens, Greece

**Henrietta Nittby, MD, PhD**, Department of Neurosurgery, Lund University Hospital, Lund, Sweden

**Bertil R. Persson, PhD, MD h.c.**, Department of Neurosurgery, Lund University Hospital, Lund, Sweden

**Gerd Oberfeld, MD**, Public Health Department, Regional Government Office Land Salzburg Salzburg, Austria

**Dr Iole Pinto, PhD**, Director, Physical Agents Laboratory, Tuscany Health and Safety Service, Siena, Italy

**Paulraj Rajamani, PhD**, School of Environmental Sciences, Jawaharlal Nehru University, New Delhi, India

**Prof. Leif Salford, MD, PhD**, Professor and Chairman, Department of Neurosurgery, Lund University Hospital, Lund, Sweden

**Eugene Sobel, PhD**, Friends Research Institute, Los Angeles, CA USA

**Amy Thomsen, MPH, MSPAS, PA-C**, Research Associate, Pinole, CA USA

#### **14. Example No. 6**

PECO/Smith on Pg. 18 ¶3 states:

“The second radio in the AMI meter is a Zigbee radio that transmits from the AMI meter to smart devices in the residence. The Zigbee radio transmits every thirty seconds until it pairs with a smart appliance in the home. After pairing with an appliance, the transmissions from the Zigbee radio will decrease to match the requirements of the smart appliance, with an expected transmission rate of from once every five minutes to once an hour or once a day, depending upon the appliance with which is has paired.”

This is where PECO/Smith accidentally proves what Frompovich has been trying to point out in this filing: PECO/Smith’s out-of-context accounts and storytelling to impugn Frompovich and her case before the PA PUC and the AL Court.

Regarding Zigbee transmissions, one only has to re-read what Frompovich wrote on **Pg. 5 of her Exceptions Protest dated June 7, 2017** copied and pasted below wherein PECO’s

**expert Mr. Pritchard informs His Honor Judge Pell that if it doesn't connect with anything, it pulses every 30 seconds and that pulsing cannot be adjusted:**

10. Frompovich wishes to state categorically the Initial Decision is replete with misstatements and downright falsehoods! Some examples are Clause 53, page 10; Clause 60, page 11, which can be clarified by PECO's expert witness Glenn Pritchard as to **the facts** when Mr. Pritchard answered AL Judge Christopher Pell's questioning about smart meters *cf. Transcript Pg. 169 (1-5)* when Mr. Pritchard said, "It could be once every five minutes to once every hour or maybe once a day depending on what the device – whether it would be a smart thermostat, a dishwasher as you mentioned or maybe an in-home display devise."

Quoting from Frompovich's Respondent Brief Clause 24, Page 17, here are the facts:

"Judge Pell then remarked, 'I understand you to say that, **if it doesn't connect with anything, it pulses every 30 seconds?**' PECO employee and expert Pritchard states, '**It continues to seek that, yes.**' Whereas, His Honor Judge Pell then asks, '**Indefinitely or will it decide, okay, I'm not finding anything, stop? Can that be adjusted?**' Mr. Pritchard replied, '**No.**' Judge Pell queries further, '**No. Does it have to be that way?**' Mr. Pritchard replied, '**We have no options with that.**' *cf. Transcript Pg. 169 (1-17)*"

15. Frompovich could go on almost endlessly pointing out the out-of-context fabrications from PECO/Smith trying to prove his case, but what's the use? Frompovich is NOW convinced that there is a set agenda regarding PECO, the PA PUC and its Administrative Law Court to get a ruling handed down in the Frompovich case to prove AMI Smart Meters and microwave technology have no impact upon cancer(s), especially breast cancer, especially since reading the PECO/Smith fabrications in their Exceptions.

16. Frompovich is now convinced, similarly as there is no chance of hell freezing over, that the PA PUC and its ALJ court refuse to look at, discuss, or try to understand the ramifications of current science regarding microwave technology non-thermal radiation waves.

What a discredit for law and justice in the Commonwealth of Pennsylvania.

17. However, and for the record, Frompovich introduces another issue for PECO/Smith to squabble over and that is the testimony of Professor Martin Pall, PhD, before the Massachusetts

Joint Committee on Telecommunications, Utilities and Energy Hearing, June 20, 2017, during which Dr. Pall stated **no safety testing ever has been done on AMI Smart Meters; safety is based on assumptions; and only thermal effects are considered.** Non-thermal effects have been traced as far back as the 1950s. Frompovich reported others found in the 1930s, which she cited in her Brief dated February 10, 2017. *cf. Pg. 13, ¶No. 12.*

Furthermore, Dr. Pall stated **AMI Smart Meters have pulsed fields**, which are more active than non-pulsed fields; AMI Smart Meters are highly pulsed and are problematic for that very reason.

Dr. Pall also offered there are three scientifically proven adverse health effects from smart meters: Neuropsychiatric, cardiac and electromagnetic hypersensitivity (EHS).

18. Frompovich contends she and all Pennsylvanians have the basic human right to decide the type of meter on their homes' service, especially when health concerns are the reason for refusal. **Studies regarding exposures have been done for only 30 MINUTES exposure time and not 24/7/365!** Where's the science to prove safety for continuous AMI Smart Meter exposures? **Can PECO, the PA PUC or anyone produce them?** Frompovich contends they have not been performed and, therefore, there is no science involved!

Furthermore, **there is neither research nor guidelines for 24/7 safety exposure to AMI Smart Meters.**

19. Lastly, Frompovich reminds this Honorable Court, the PA PUC and PECO/Smith, et al. that the AL Court recognized Frompovich as an expert; Refer Tr. 33 (9-12):

Judge Heep states: All right. **We're going to recognize you as an expert in a very limited area on nutrition, natural healing, and treating cancers from that perspective.**

As such, **natural healing expert Frompovich** has depended upon a natural healing and nutrition protocol for treating and healing cancer, which includes a diet of 70 to 80 percent fresh/raw food, which requires constant refrigeration; certain supplementation for enhancing her immune system, which needs refrigeration to be viable; and other protocols, which depend upon electric power.

In the event PECO is determined to disconnect and turn off Frompovich's electric service, please know and be advised Frompovich has directed the Executors of her estate to file a wrongful death lawsuit against PECO and PECO's attorneys both as corporate employees and individuals, the PA Public Utility Commission, its Secretary and Commission members for interfering with and disrupting Frompovich's healing protocol that resulted in Frompovich's health deteriorating to the point of death.

20. PECO and the PA PUC say they only are enforcing the law. That's what the Nazis also said during their trials at Nuremberg after World War II.

Respectfully submitted by,

  
Catherine J. Frompovich, *Pro Se*

July 3, 2017



BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Catherine J. Frompovich

Docket No. C-2015-2474602

v.

PECO Energy Company

CERTIFICATE OF SERVICE

I, Catherine J. Frompovich, hereby certify that I have this day served a copy of my Exceptions Protest due June 13, 2017 to the following via

Certified Mail \* Return Receipt Requested to:

Rosemarie Chiavetta, Secretary  
Pennsylvania Public Utility Company  
Commonwealth of Pennsylvania  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Courtesy copy emailed to OSA at [ra-OSA@pa.gov](mailto:ra-OSA@pa.gov)

And by First Class U.S. Postal Service with Tracking mail to:

Administrative Law Judge Darlene D Heep  
Pennsylvania Public Utility Commission  
801 Market Street, Ste. 4063  
Philadelphia, PA 19107

Ward Smith, Esq.  
Shawane Lee, Esq.  
Exelon Business Services Company LLC  
Legal Department  
2301 Market Street, S23-1  
Philadelphia, PA 19103

Dated at Ambler, Pennsylvania, July 3, 2017

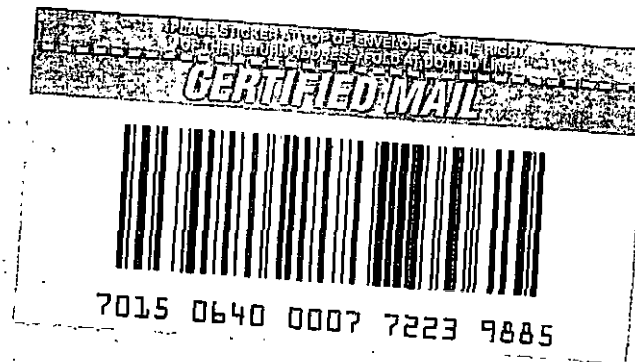


Catherine J. Frompovich *Pro Se*  
23 Cavendish Drive, Ambler, PA 19002  
215-653-7575

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Ambler, PA 19002

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Pennsylvania Public Utility Commission  
Commonwealth of Pennsylvania  
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