

1 COMMONWEALTH OF PENNSYLVANIA  
2 PENNSYLVANIA PUBLIC UTILITY COMMISSION  
3 OFFICE OF ADMINISTRATIVE LAW JUDGE

\* \* \*

4 SHERRY YEWIC, : C-2018-3001276  
5 Plaintiffs :  
6 vs. :  
7 PENNSYLVANIA ELECTRIC COMPANY, :  
8 Defendant :

\* \* \*

9 Remote telephonic PUC hearing before Judge  
10 Jeffrey A. Watson, beginning at 10:00 a.m., on  
11 Wednesday, July 22, 2020, before Karen A. Stevens,  
12 Court Reporter and Notary Public, there being  
13 remotely present:

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18 (Pages 1 - 81)  
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1           A P P E A R A N C E S :

2                   TORI GIESLER, ESQUIRE  
3                   LAUREN LEPKOSKI, ESQUIRE  
4                   FIRSTENERGY SERVICES COMPANY  
5                   PO Box 16001  
6                   2800 Pottsville Pike  
7                   Reading, Pennsylvania 19612  
8                   (610) 921-6203

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9

ALSO PRESENT: James Yewcic, Sherry Yewcic,  
John Ahr

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I N D E X

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WITNESS: James Yewcic

QUESTIONED BY:	PAGE
Ms. Giesler	46

WITNESS: John Ahr

QUESTIONED BY:	PAGE
Ms. Lepkoski	50
Mr. Yewcic	71

E X H I B I T S

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PROCEEDING

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JUDGE WATSON: We are on the record in the case of Sherry Yewcic versus Pennsylvania Electric Company, filed at Docket Number C-2018-3001276. Today is Wednesday, July 22, 2020, and the time is now 10:01 a.m. This hearing was scheduled at 10 o'clock. My name is Jeff Watson. I've been assigned to preside over this matter and to render a decision. I joined the conference call at 10 o'clock and while we were off the record I had Counsel and Ms. Yewcic identify themselves. We did not talk about the case, nor did I have any conversation with anyone to the exclusion of anyone else. In addition, Ms. Yewcic indicated that Thomas Yewcic is also on the telephone line with her. This is a telephonic hearing. Attorney Giesler and Lepkoski are present. With that said, Ms. Yewcic, you're trailing off. You're very soft spoken, so if you can speak up, keep your voice up, I'd appreciate it. If we are proactive we'll make a good clean and clear record. Okay?

1 MS. YEWIC: Okay.

2 JUDGE WATSON: Very good. Hearing notice  
3 was issued on May 5th, 2020 concerning this  
4 hearing. As I indicated, my name is Jeff  
5 Watson. I've been assigned to handle this  
6 case. This is a telephonic hearing. The  
7 Commission offices are closed due to the Corona  
8 virus pandemic; however, the Commission is  
9 functioning through telephone and other means.  
10 So we are conducting hearings presently by  
11 telephone. The parties are submitting proposed  
12 evidence electronically and I have received the  
13 exhibits in the case electronically.

14 Miss Yewcic, since you're not an attorney  
15 and you don't do this every day, I want to take  
16 a few minutes and go over the procedure that  
17 we'll follow to give you a better understanding  
18 of how we'll proceed today.

19 MS. YEWIC: Okay.

20 JUDGE WATSON: We begin with the  
21 Complainants, because they have the burden of  
22 proof to show that the Company has violated  
23 some order or law or regulation of the  
24 Commission. So the Complainant will go first.  
25 They may present testimony, offer exhibits and

1 offer testimony from Complainant or others.  
2 The Company has the right to object to any  
3 evidence, whether it be by testimony, a portion  
4 of testimony or exhibits or any other evidence.  
5 If there is an objection, and since this matter  
6 is being recorded by the official reporter, I  
7 would ask that everyone take your time, let one  
8 person speak at a time and I'll hear from both  
9 sides on any objection. I'll make a ruling and  
10 we'll proceed consistent with that ruling.

11 Once the Complainant or any of their  
12 witnesses testify, they would be subject to  
13 cross examination. The other party would be  
14 permitted to ask that witness questions. Once  
15 the Complainant has finished her case and  
16 presented all of her evidence and they rest,  
17 then the Company has the right to also present  
18 evidence. If Miss Yewcic has any objection to  
19 any of the testimony or portion of the  
20 testimony or exhibits or other evidence or  
21 portion of the evidence, Miss Yewcic can simply  
22 raise that objection timely so I can consider  
23 it. And again, I will hear from both sides and  
24 then I'll make a ruling on the objection and  
25 then we'll proceed consistent with the ruling.

1 Miss Yewcic has the right to cross examine  
2 the witnesses from the Company and object to  
3 any exhibits or evidence. If something new has  
4 been presented by the Company in their  
5 evidence, I will consider rebuttal evidence by  
6 the Complainant if requested by the  
7 Complainant. Once we hear all the evidence,  
8 the parties will be given an opportunity to  
9 give a summary or an argument if you'd like to  
10 do that. I have found the parties typically  
11 prefer to submit written briefs. And if the  
12 parties would prefer to do that, I will  
13 certainly accommodate that request and give the  
14 parties ample time to put together a written  
15 brief where they can summarize their evidence  
16 and outline their interpretation of the law and  
17 how their interpretation of the law would  
18 support their positions in this case.

19 Typically we would set a deadline a couple  
20 months after today's hearing to give the  
21 parties plenty of time to get that submitted  
22 and filed with the Commission's secretary. So  
23 we'll make that determination at the conclusion  
24 of the hearing and I'll give you a deadline for  
25 submitting briefs at the conclusion of the

1 hearing, so everyone will know what date that  
2 will be if the parties wish to submit briefs.

3           Once I have reviewed all the evidence and  
4 briefs in this matter, I will issue what's  
5 called an initial decision. That's a written  
6 decision. And the parties will receive that --  
7 if the parties are receiving E-service you'll  
8 get that through E-service. Otherwise, if you  
9 have an E-mail address, obviously you all do  
10 because you submitted exhibits electronically,  
11 so you'll receive that electronically. And  
12 what we'll do is you'll get that initial  
13 decision along with a letter from the  
14 Commission's secretary indicating what my  
15 decision is and also you will be given  
16 instructions as to how to file an appeal or  
17 exceptions to my decision. If any party is not  
18 happy with my decision, you can file  
19 exceptions. Do that timely. And the  
20 Commission may then issue an order and/or  
21 opinion addressing those exceptions or appeal  
22 of my decision. If for some reason the parties  
23 would not be satisfied with a decision of the  
24 Public Utility Commission, then the parties may  
25 file an appeal with the Pennsylvania

1 Commonwealth Court. Again, you want to make  
2 certain that your appeal is filed timely so it  
3 may be considered. That's an overview of how  
4 the hearing works and how the appeal process  
5 works.

6 As I indicated, there is an official  
7 reporter present today taking down everything  
8 that is said. Everything that is said is on  
9 the record. In other words, it's recorded by  
10 the official reporter. That's the only  
11 recording of this proceeding. In addition,  
12 that's the only recording permitted of this  
13 proceeding. So if there are individuals  
14 present who are recording this, I have to  
15 instruct you now that you must terminate any  
16 recording device.

17 Obviously you can take notes, though. I  
18 would encourage you to take notes during the  
19 testimony in this case. Along those lines,  
20 Miss Yewcic, I found it's helpful for parties  
21 who aren't represented by counsel to take your  
22 time and take notes during the testimony,  
23 because that can typically help you when you're  
24 cross examining witnesses from the other side.  
25 Take your time. If you need a moment, let me

1 know. We have plenty of time today. Everyone  
2 is afforded plenty of time and opportunity to  
3 present their evidence. I'll make sure that  
4 occurs. There may be times where we'd go off  
5 the record. Note that we will not go off the  
6 record unless I clearly tell everyone we are  
7 off the record. That would be for maybe some  
8 housekeeping matters or maybe to address some  
9 confidential matter. But you'll know clearly  
10 when we are on the record and off the record.  
11 Obviously we are on the record.

12 With all that said, as I indicated, the  
13 Complainant goes first. So they can call any  
14 witnesses, subject to objection from the  
15 Company, and those witnesses would be subject  
16 to Cross examination. All testimony is  
17 presented under oath or affirmation. I think  
18 that covers how we'll proceed.

19 Ms. Yewcic, do you have any questions  
20 before we start with the testimony?

21 MS. YEWIC: Yeah. I was going to have my  
22 husband speak for me and I was just going to  
23 state where I'm at and how I got to this  
24 position.

25 JUDGE WATSON: So you're going to make a

1 statement and we'll let the Company cross  
2 examine you and then your husband, Thomas  
3 Yewcic, is going to take over and provide his  
4 own testimony. Is that fair?

5 MS. YEWICIC: Or I'll let him go first and  
6 me go last. I don't care.

7 JUDGE WATSON: Okay. So Mr. Yewcic, can  
8 you hear me okay?

9 MR. YEWICIC: Yes, I can.

10 JUDGE WATSON: If anybody can't hear, let  
11 me know so we are keeping a good clean record.  
12 Mr. Yewcic, can you state your full name and  
13 spell your last name for the record?

14 MR. YEWICIC: Thomas Yewcic, Y-E-W-C-I-C.

15 JUDGE WATSON: And your address?

16 MR. YEWICIC: 125 Pudliner Lane, Johnstown,  
17 Pennsylvania, 15909.

18 JUDGE WATSON: Could you spell the name of  
19 the road or lane?

20 MR. YEWICIC: P-U-D-L-I-N-E-R.

21 JUDGE WATSON: Just like it sounds. And  
22 is that the address which is the subject of the  
23 complaint filed by Miss Yewcic?

24 MR. YEWICIC: Yes.

25 JUDGE WATSON: Is there a smart meter

1 installed at that property at this time?

2 MR. YEWICIC: No.

3 JUDGE WATSON: All right. Miss Yewcic, do  
4 you want to ask Mr. Yewcic any questions?

5 MS. YEWICIC: No.

6 JUDGE WATSON: He just has some  
7 information you want him to provide?

8 MS. YEWICIC: Yes. And I would like him to  
9 state that he seen the way I am and the way  
10 everything is affecting me. He's my witness.  
11 Nobody else is going to be able to do this. We  
12 are like pioneers. Nobody's been through this.  
13 All this is new. We have all this technology  
14 and doctors don't know why. I've been to a lot  
15 of specialists. They're just trying to figure  
16 out what to do. We are like people out in  
17 space. We're aliens. They don't know what to  
18 do with us.

19 JUDGE WATSON: Mr. Yewcic is coming in  
20 loud and clearly, so, Miss Yewcic, if you yell  
21 at me when you talk everybody can hear you.  
22 Just keep your voice up. I'd appreciate it.  
23 This isn't the optimal way to have a hearing,  
24 but it works and everybody can participate  
25 fairly. It's the best process we have at the

1 moment.

2 MS. YEWICIC: I can't be where all the cell  
3 phones are.

4 JUDGE WATSON: I understand. Mr. Yewcic,  
5 I am asking you, would you like to explain what  
6 you've observed with regard to Miss Yewcic and  
7 the reasons for the filing of the complaint and  
8 what you're requesting from the Commission?  
9 And just keep in mind, take your time, speak  
10 slowly and clearly. If there is an objection,  
11 Miss Giesler or Miss Lepkoski will raise an  
12 objection. If there is an objection, I'd ask  
13 that the party speaking stop, let the person  
14 make the objection and I'll go back and let the  
15 person respond that was talking and the court  
16 reporter will be very happy, or at least as  
17 happy as possible, so the record will be clean.

18 Go ahead, Mr. Yewcic, if you want to  
19 explain why the complaint was filed and what  
20 you're seeking.

21 MR. YEWICIC: Sure. I'd like to provide a  
22 little bit of background to show where she was  
23 and where she is today.

24 JUDGE WATSON: Let me swear you in.

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THOMAS YEWCIC,

after having been first duly sworn, was  
examined and testified as follows:

\* \* \*

JUDGE WATSON: Go ahead, sir. Thank you.

MS. YEWCIC: What happened to God in that?

JUDGE WATSON: Maybe I didn't say it  
right. Go ahead, Mr. Yewcic.

MR. YEWCIC: Little bit of background. We  
have been married 37 years and my wife was  
always a people-person, always out in public.  
When I became a state representative she ran my  
campaign. I was elected in 1992 and retired in  
2008. Subsequent to that, as we age a little  
bit you notice changes. She went to the doctor  
and we thought it was just menopause.

JUDGE WATSON: What's the time period  
here?

MR. YEWCIC: Three, four years ago. What  
we noticed were the symptoms, but the symptoms  
wouldn't go away. And as we started to  
research the symptoms they became consistent  
with advanced Lyme disease. At that point we  
looked for Lyme doctors, which there aren't  
really any in our area or specialists that

1 could help with her condition. We ended up at  
2 Cleveland Clinic where extensive testing was  
3 completed, where it shows she had the Lyme, of  
4 course, with the co-infects of Borrelia and  
5 adrenal problems, thyroid problems, digestion  
6 problems. She's not absorbing vitamins,  
7 minerals, enzymes, that sort of thing. Her  
8 system was failing her and her immune system's  
9 compromised. She was actually supposed to be  
10 in court. She was called to court, jury duty,  
11 last week or so where we had to get a letter  
12 from her doctor at the Cleveland Clinic stating  
13 her immune system is compromised and she was  
14 excused.

15 We found as she was shopping at Walmart or  
16 TJ Max or wherever she went, she became  
17 irritable, her ears would -- she had tinnitus,  
18 her ears would jingle. If she stayed in that  
19 environment too long she would have heart  
20 palpitations. And we couldn't figure out why  
21 that was happening. As it turned out, we came  
22 across the EMF and hypersensitivity issues.  
23 Moving forward from there, we tried to narrow  
24 it down and we start slowly getting rid of  
25 everything electric in our home that had a

1 wave, a radio frequency or microwave, such as  
2 corded phones, laptops, Wifi, cell phones. We  
3 couldn't have that in our house. We eliminated  
4 those things and she could stay in our house,  
5 she's fine.

6 However, when she would visit her mom  
7 who's elderly, upper '80s, she has no Wifi,  
8 smart phones or anything like that. But when  
9 she would visit her mom she could only stay two  
10 hours until these symptoms from EMF that she  
11 had at Walmart or somewhere affected her. And  
12 before she would stay at her mom's, watch over  
13 her, be with her, visit her and she had no  
14 problem. When the smart reader was installed,  
15 she could no longer stay more than two hours.

16 JUDGE WATSON: The smart meter was  
17 installed at her mother's house?

18 MR. YEWIC: Yes. The meter's not on her  
19 house, it's on her garage. The garage is  
20 connected to her house. But she still had  
21 issues there. So we got rid of -- we bought  
22 her mom corded phones instead of cordless, she  
23 can't use the microwave, don't turn anything on  
24 and see how she does. LED lightbulbs, same  
25 thing. We can only use incandescent bulbs in

1           our home, because it irritated her at the  
2           molecular level, we understand. I don't  
3           understand this, but that's what happened. So  
4           all these things were changed and she'd go to  
5           her mom's after the meter was installed and she  
6           could only stay a short time until the ringing  
7           in the ears and heart palpitations if she  
8           stayed too long occurred.

9           JUDGE WATSON: What was the approximate  
10          time period when the smart meter was installed  
11          at the mother's house?

12          MR. YEWIC: I don't recall.

13          JUDGE WATSON: As best you know. I'll ask  
14          Miss Yewcic as well or she can provide  
15          testimony. Okay. Go ahead.

16          MR. YEWIC: I don't recall. If she went  
17          to her mom's house today she can't stay very  
18          long. She has to go in the backyard and stay  
19          away from the house currently. When she's  
20          home, we don't have that issue. It's been like  
21          that now for a couple years basically where  
22          it's an accumulative effect. If there is a  
23          smart meter, she's incapable of staying there  
24          very long. If she goes for a walk on a trail  
25          in the woods someplace where there is no --

1 nothing, someone could be walking the other  
2 direction and she'll say, "Someone's here," and  
3 we are looking at her like, "What do you mean?"  
4 Well, if they have a cell phone the frequency  
5 they're using, it affects her. The documents  
6 that we had sent, now that I read the order I  
7 thought it was five days, my fault. I think it  
8 was five days. I sent it in last Friday. The  
9 purpose is to show that EMF do affect the human  
10 body and she's one of those few people,  
11 unfortunately, that it affects. We can not  
12 live here if we have a smart meter. We are  
13 talking about selling our house, probably  
14 moving someplace where we are not affected by  
15 this. It's unfortunate, but that's where we  
16 are. That's about it.

17 JUDGE WATSON: Thank you, Mr. Yewcic. I  
18 appreciate the testimony and taking your time  
19 and keeping your voice up. I appreciate that  
20 very much. Miss Yewcic?

21 MS. YEWIC: Yes.

22 JUDGE WATSON: Are there any specific  
23 questions you'd like to ask Mr. Yewcic maybe  
24 that he didn't cover?

25 MS. YEWIC: He knows I just want to ask

1 the difference between me then and now and I  
2 can go around people and do everything and be  
3 just fine. Now, forget it.

4 JUDGE WATSON: Okay. When you say then  
5 and now, then meaning you believe these  
6 symptoms or manifestations have increased at  
7 the present time?

8 MS. YEWIC: Yes.

9 JUDGE WATSON: And, Mr. Yewic, is there  
10 anything you want to add regarding that topic  
11 that Miss Yewic has raised?

12 MR. YEWIC: Between then and now?

13 JUDGE WATSON: Then and now meaning about  
14 the last four years to the present.

15 MR. YEWIC: Yes. Yes. It's different  
16 because we can't just go visit her mom, and  
17 she's 86, 87. We can't visit our grandchildren  
18 because they have the Wifi and things like that  
19 and smart meters. Those things have to be  
20 turned off. We have to stay away from those  
21 things. Those are all new occurrences that we  
22 have. We don't want to be here during this.  
23 That's the last thing I want to do, believe me.  
24 To us it's life and death. It causes harm to  
25 her. The evidence we did submit, the first

1 article shows that square waves and pulsating  
2 Wifi affects the human body. It's real to us  
3 and it's real to her, whether you accept it or  
4 not. We can't live here if we have a smart  
5 meter until she's better.

6 I understand people do get better. It  
7 takes time for their body to heal. Whether  
8 it's a molecular level thing where there's  
9 inflammation in the cells, I don't understand  
10 that. It's new. This is similar to when I  
11 went to Pitt back in the '70s, University of  
12 Pittsburgh, back in the '70s, I remember  
13 hearing a doctor talking about medical --  
14 medicine evolved and certain things they didn't  
15 understand in the past. For instance, he  
16 brought up hypoglycemia. Back then there  
17 wasn't -- doctors didn't recognize it. They  
18 gave you a pill for anxiety and sent you home.  
19 Today you get treated for it. Medicine has  
20 evolved. And with technology today, I don't  
21 understand the effect all these radio waves and  
22 magnetic waves have on the body, but they do  
23 impact the body. They do impact in testing of  
24 humans and animals. That's where she's at  
25 today, where we are trying to keep her away

1 from that until her body heals and she can at  
2 least be comfortable in that environment again.  
3 It's frustrating. We can't be around a lot of  
4 people and they all have cell phones. We  
5 always visit people. I know a ton of people in  
6 my former position and our life has changed  
7 drastically because of that.

8 JUDGE WATSON: I understand. Thank you,  
9 sir. Miss Yewcic, any other questions for  
10 Mr. Yewcic?

11 MS. YEWIC: No, sir.

12 JUDGE WATSON: Thank you for your  
13 testimony. Miss Giesler, who represents the  
14 Company, may have some questions for you. Take  
15 your time and you can answer her questions and  
16 I'll entertain any objections and we'll go  
17 ahead with the Cross-examination. Okay, sir?

18 MR. YEWIC: Okay.

19 JUDGE WATSON: I apologize. I didn't talk  
20 about this earlier, but if anyone needs a break  
21 we can take breaks. I don't like to take  
22 breaks during testimony. So when we finish a  
23 witness, that's a good time to take a break.  
24 But if anybody needs a break, please let me  
25 know and we'll accommodate that the best we

1 can. Miss Geisler?

2 MS. GIESLER: I have no Cross-examination,  
3 your Honor.

4 JUDGE WATSON: Thank you, Mr. Yewcic for  
5 your testimony. Miss Yewcic, would you like to  
6 testify, ma'am?

7 MS. YEWICIC: Sure.

8 JUDGE WATSON: Let me get you sworn in.

9 \* \* \*

10 SHERRY YEWICIC,  
11 after having been first duly sworn, was  
12 examined and testified as follows:

13 \* \* \*

14 JUDGE WATSON: Go ahead, ma'am.

15 MS. YEWICIC: I just want to let you know  
16 I'm not an activist. I just want to live in my  
17 house and have peace. That's all this is  
18 about. I don't want one more thing slapped on  
19 top of me. I'm trying to heal. It's a slow  
20 process. I've been to a lot of doctors and I  
21 want to let you know I have been to Cleveland  
22 Clinic, doctors all over the state and Virginia  
23 and just trying to find an answer to this. But  
24 they send me to another specialist and another  
25 specialist and they said they know it exists.

1           They're trying to help, trying different  
2           protocols. And when your system's beat down  
3           because I have all these viruses and Lyme, you  
4           know, your body can't fight. And my resistance  
5           is down and I'm vulnerable to this stuff. And  
6           they still don't understand what to do and  
7           they're trying and I've been trying with them,  
8           trying anything they want to try. This  
9           hypersensitivity is scary, because I get to a  
10          point where I can't do anything. I can't go to  
11          a restaurant. Welcome to my world, these  
12          people that are crying about this Corona virus.  
13          I can't see anybody unless they come without  
14          their phone. I can't go to their house,  
15          because everybody is loaded with all their  
16          stuff. I'm living proof. There is nothing I  
17          can do.

18                 And I even got vertigo at my daughter's  
19          house. I had to run in the house one day and I  
20          hit the wall it was so strong with the Wifi  
21          stuff. As soon as I get away from it I go back  
22          to normal.

23                         JUDGE WATSON: When you say you hit the  
24          wall, were you meaning that you lost your  
25          balance and fell against the wall?

1 MS. YEWIC: Yeah, I did. It affects you.  
2 It just gets stronger and stronger. It builds  
3 up, so you have to stay away from it. So I  
4 learned not to go over there unless I'm  
5 outside. I can't last that long anyway. You  
6 pick and choose what you want to do. I have so  
7 much and it builds up and you know your time's  
8 up and you have to go.

9 We did change all our light bulbs. I have  
10 a toaster oven. I can't use that. We are  
11 going to get a gas one. I use the dishwasher  
12 and washer and drier when I go for a walk with  
13 the dog or go for a hike, then we turn them on.  
14 We have notes everywhere to remember to do it.  
15 If I go to my mom's for a little, we do it  
16 then. When I have to go into the bedroom, we  
17 shut the doors. Like if I go to bed sometimes  
18 I get away with that. But that's my life. I'm  
19 just trying to keep this stuff away from me.

20 Then I have cordless phones. We had to go  
21 back to these stupid corded phones. That's why  
22 you can't hear me. No smart appliances. I had  
23 to get rid of my dehumidifier. I have an old  
24 computer we hooked up with ethernet. It's very  
25 little. It throws out a small amount of EMF.

1 I can tell the difference. I use grounding  
2 mats and stuff and anything that helps.  
3 Doctors are trying to help me, but this is like  
4 Daniel Boone going out. I have a friend who is  
5 exactly like me. She's a mess, too, and she  
6 has Lyme and EMF problems also. Thank God I  
7 have her. God put her there for me.

8 I just want to let you know when I did go  
9 to my mom's before she had the smart meter, I  
10 could stay overnight, get all the grandkids  
11 over, we'd have a powwow and a sleepover. And  
12 she didn't tell me she got the smart meter on  
13 and she wanted to see if this was real with me.  
14 So we changed all the phones and all the  
15 lightbulbs. She doesn't have all the modern  
16 technologies. But I had to gather the kids one  
17 morning and I ran out of the house. Next day I  
18 asked her, "What is different here? What's  
19 going on?" She said they put a smart meter in.  
20 And I asked her why she didn't tell me and she  
21 said she wanted to see if this was for real.  
22 Anyway, that happened and that's what scares  
23 me, too. Then my husband uses his cell phone,  
24 so he has to keep it out in the garage and stay  
25 away from me. It's at the other end of our

1 house. We do everything we can.

2 I'm not a lazy person. I'm not crazy. We

3 built our house. I really don't want to leave

4 it and my kids, because I have grandkids. And

5 with COVID I had them every day in the summer.

6 And I don't want to have to move to a state

7 where they have compassion on people and let

8 them -- who have to move from their house.

9 That's what I'm going to have to do. I don't

10 want to leave my kids, because I take care of

11 them and I can't live like this. It's so hard.

12 Sorry. Doctors don't know what to do. They

13 pan you off. I've been to so many doctors and

14 they don't know what to do with me. This is

15 where I'm at and all I'm asking for is some

16 mercy from the Company. Where is America, home

17 of the free and the brave and the people that

18 want to live in their homes the way they're

19 supposed to be able to? That's all I'm asking

20 for. I don't want to leave my grandkids.

21 JUDGE WATSON: Let me ask you this. What

22 relief specifically are you asking for from the

23 Commission?

24 MS. YEWIC: I want to live in my house

25 without that thing.

1 JUDGE WATSON: Do you have an analogue  
2 meter at your home?

3 MS. YEWCIC: Yes, I do.

4 JUDGE WATSON: You're asking to keep the  
5 analogue meter and not have a smart meter  
6 installed in your home?

7 MS. YEWCIC: Yes. I can't run the air  
8 conditioner. I have to turn it off after ten  
9 minutes. If I put the meter on I have to be  
10 out in the yard or move. That's all I'm asking  
11 for, to keep my old meter on so I can live  
12 here, the one place in the world I have.

13 JUDGE WATSON: Let me ask you this, ma'am.  
14 You submitted some proposed exhibits and  
15 oftentimes the Company will object to some of  
16 these exhibits based upon certain rules, but  
17 would you like to offer the exhibits that you  
18 submitted into evidence?

19 MS. YEWCIC: Sure.

20 JUDGE WATSON: Do you have those handy?

21 MR. YEWCIC: I have them in front of me.

22 JUDGE WATSON: Thank you. Miss Giesler,  
23 do you have those handy as well?

24 MS. GIESLER: I do, your Honor.

25 JUDGE WATSON: We are going to, as we go

1 along, mark these so we know what we are  
2 dealing with. I have a cover letter from Miss  
3 Yewcic providing her proposed exhibits. I'm  
4 going in order from what's submitted  
5 electronically. The very first proposed  
6 exhibit looks like Electromagnetic Fields Act  
7 Via Activation Of Voltage Gated Calcium  
8 Channels To Produce Beneficial Or Adverse  
9 Effects. Miss Yewcic, would you prefer  
10 Mr. Yewcic can handle these exhibits or do them  
11 jointly?

12 MS. YEWIC: We both can.

13 JUDGE WATSON: Okay. I'm looking at that  
14 document. I don't see page numbers, but I'm  
15 scrolling through this on my computer. Second  
16 Page 959. The next page I see is 960. See  
17 those?

18 MR. YEWIC: Yes.

19 JUDGE WATSON: Next page is 961, 962, 963,  
20 964, 965.

21 MR. YEWIC: Which concludes that  
22 document.

23 JUDGE WATSON: That would conclude that  
24 document. Through Page 965. Back at the top  
25 I'll make notes so we keep these exhibits

1 straight. I'm going to mark this first one as  
2 Complainant Exhibit 1. That's going to be I  
3 think we said through 965 and it begins with  
4 the title I just identified. Then as I  
5 indicated, the second page is 959. There will  
6 be a title page and then 959 through 965. This  
7 document at the top just below the title has  
8 the name of an individual, Martin L. Pall,  
9 P-A-L-L. Either Mr. or Mrs. Yewcic, explain  
10 without getting into the substance of the  
11 document, what is this document, where did you  
12 get it and what's the purpose that you're  
13 offering it into evidence?

14 MR. YEWIC: The purpose of this document  
15 and the others is to show how the EMFs,  
16 including smart meters, affect human tissue.  
17 I'm not a biochemist as Martin Poll is. We got  
18 these off the internet to find out what's  
19 affecting my wife so we can help her. When you  
20 read the article, there is no conclusive  
21 evidence in some areas of how these things  
22 occur and why they occur. I don't understand  
23 the whole article. It's biochemistry. But on  
24 Page 961 it talks discussions and conclusions.  
25 You can read those where they note it affects

1 human tissue perhaps at the cellular level,  
2 calcium, things your body needs and how it  
3 affects those things. That's why we introduced  
4 this to show there is evidence and papers.  
5 This goes back to 2013 where these type of  
6 waves or pulses affect the human body or animal  
7 bodies they've tested. We are trying to  
8 discover what her problem is so we can make her  
9 better.

10 JUDGE WATSON: Now, this Mr. Poll, who  
11 appears to be the author of this document, is  
12 there any indication that this is an official  
13 government report or public document or is this  
14 just research study conducted by Mr. Poll?

15 MR. YEWIC: It appears to be research.  
16 It was printed in a journal of molecular  
17 medicine. I don't think it is a -- it was  
18 copyrighted by the author. It's not an  
19 official government report.

20 JUDGE WATSON: You're offering that as  
21 Complainant Exhibit 1. Fair?

22 MR. YEWIC: Sure. Sure.

23 JUDGE WATSON: Miss Giesler, any objection  
24 to what's been marked as Complainant Exhibit 1?

25 MS. GIESLER: Yes, your Honor.

1           Unfortunately, given that we didn't have the  
2           author available today and given what we have  
3           heard about the backdrop of it, it cannot be  
4           properly authenticated and it's hearsay in that  
5           Mr. Poll is not available for Cross-examination  
6           today. And Mr. Yewcic himself pointed out that  
7           he doesn't have the scientific qualifications  
8           to be able to draw conclusions therefrom. That  
9           being the case, without an expert witness or  
10          the author themselves available today, this  
11          should be excluded as impermissible hearsay.

12           JUDGE WATSON: Mr. and Mrs. Yewcic, based  
13          upon Counsel's objection and the reason for it,  
14          do you have any response?

15           MR. YEWCIC: Mr. Poll is a professor of  
16          biochemistry at Washington State University.  
17          I'm sure he's qualified. This is pioneering  
18          information. When I first took office in 1992  
19          the internet was smaller. We didn't have a lot  
20          of issues. I think the references at the end  
21          of the article is very well documented. We are  
22          not trying to hide something, we are trying to  
23          get something to help my wife.

24           JUDGE WATSON: I understand.

25           MR. YEWCIC: It's not an official document

1 from the government, but the government isn't  
2 always right, either. I've been there.

3 JUDGE WATSON: I understand. We are going  
4 to address that concern you've identified. But  
5 as far as Complainant Exhibit 1, Counsel is  
6 correct. It does constitute hearsay because  
7 the author is not available for  
8 cross-examination and hasn't been established  
9 as an expert to provide the conclusions  
10 presented in the document. I have to sustain  
11 the objection and I can't admit Complainant  
12 Exhibit 1 into evidence. However, I have  
13 marked Complainant 1 for identification  
14 purposes for the record, so that ruling may be  
15 reviewed by the Commission if requested by the  
16 Complainant. Let's go to the second document.  
17 I appreciate the work you spent in downloading  
18 this information and getting it to me and to  
19 Counsel electronically. Sometimes it can be  
20 challenging and I appreciate it very much. I'm  
21 looking at the second document. Just to be  
22 clear, it appears as though the second document  
23 has in the upper left-hand corner the date of  
24 7/17/2020, and next to the date it says  
25 Electromagnetic Field-Induced Biomedical

1           Effects In Humans Pubmed. Then down further,  
2           but still in the top third of the page in  
3           larger font, it appears to be the title  
4           Electromagnet Field-Induced Biological Effects  
5           In Humans. Is that the second exhibit, Mr. and  
6           Mrs. Yewcic?

7                   MR. YEWCIC: Yes.

8                   JUDGE WATSON: That looks like the bottom  
9           of that page says one slash two, which  
10          represents it's the first page of two. The  
11          next page also says one of two, so I'm assuming  
12          this document is the one page. I'm going to  
13          mark that as Complainant 2. Either Mr. or  
14          Mrs. Yewcic, if you want to identify what that  
15          document is and why you're asking that it be  
16          admitted into evidence.

17                   MR. YEWCIC: As the title says,  
18          Electromagnetic Field-Induced Biological  
19          Effects In Humans, again, we are going to have  
20          the same problem as the first bit of evidence.  
21          It's not an official document. It appears this  
22          is from Poland where they did do a study on  
23          this, but it's not official. We have no  
24          witnesses. The purpose is to show there is an  
25          effect that my wife described adequately I

1 think when she testified of how this impacts  
2 her body.

3 JUDGE WATSON: Thank you, sir. Counsel?

4 MS. GIESLER: Your Honor, Mr. Yewcic is  
5 correct that I do have all the same objections  
6 here relating to authentication and hearsay. I  
7 would also note that frankly even apart from  
8 those issues, we would also have an objection  
9 on the basis that the document is incomplete.  
10 This appears, I'm not sure what Page two would  
11 contain, but I'm fairly confident it would not  
12 contain the entirety of the report itself and  
13 doesn't contain the full content of the study  
14 that was performed.

15 JUDGE WATSON: Any response, Mr. or  
16 Mrs. Yewcic?

17 MR. YEWIC: If I recall, the second page  
18 and the next one I think was blank or they had  
19 links. But, okay, no other objections, no.

20 JUDGE WATSON: Okay. Under the  
21 circumstances, the document is hearsay, so I'm  
22 not going to be able to admit the document. I  
23 have marked it for identification purposes. I  
24 understand the concern and want to address all  
25 of these and determine what documents are

1           admissible, if any, and we'll address a couple  
2           other issues that Mr. Yewcic raised. Let's go  
3           to the next document that I'll mark as  
4           Complainant Exhibit 3. That has the title of  
5           Electromagnetic Hypersensitivity-An Increasing  
6           Challenge To The Medical Profession. That  
7           document indicates one of two. It does consist  
8           of one page. Go ahead, Mr. Yewcic, if you want  
9           to explain what this is and the reason you're  
10          offering it.

11                 MR. YEWIC: The same reason as before.  
12           People have hypersensitivity to these things  
13           and it's a challenge to the medical profession,  
14           as my wife Sherry testified to. Again, these  
15           people aren't here present. It's not an  
16           official government document, but hopefully  
17           people will read this and understand what the  
18           problems are with a small percentage of people.

19                 JUDGE WATSON: Thank you, sir. Counsel?

20                 MS. GIESLER: Your Honor, I would object  
21           to this on the same basis as we did to Exhibit  
22           Number 2.

23                 JUDGE WATSON: Any other response, Mr. or  
24           Mrs. Yewcic?

25                 MR. YEWIC: No.

1 JUDGE WATSON: I have to sustain the  
2 objection under the circumstances. I'm going  
3 to address these matters once we conclude a  
4 review of all proposed exhibits. The next one  
5 I have is entitled EMF Wise, W-I-S-E. There  
6 are some photographs along the top portion of  
7 the first page, then there is a heading,  
8 Electromagnetic Sensitivity. The first page is  
9 marked in the lower right-hand corner one slash  
10 five, the next page two slash five, then three  
11 slash five, next page is four slash five, the  
12 next page, five slash five. Mr. Yewcic, if you  
13 could please identify that document and the  
14 purpose for its proposed admission.

15 MR. YEWCIC: Again, it's another article  
16 talking about the electromagnetic sensitivity.  
17 It talks about the symptoms which are  
18 consistent in all these articles. If you do a  
19 Google search you'll find the same information.  
20 People are experiencing these things. It's  
21 real. If you note on the pictures on top of  
22 this page, there is a smart meter on the right  
23 along with everything else we talked about.  
24 The things that Sherry talked about earlier are  
25 all pictured here that affect her horrendously.

1 Again, we have no person here to testify to the  
2 authenticity of this article, so it is what it  
3 is. It's education purposes to show these  
4 symptoms are across the board no matter who  
5 writes the article, from the professor down to  
6 who these other people are. Everything is  
7 consistent. There are people that have these  
8 problems and it's a concern. That's about it.

9 JUDGE WATSON: Fair to say that this  
10 document essentially in part, at least, is  
11 consistent with the testimony from Ms. Yewcic  
12 that she suffers from the various symptoms that  
13 she described under certain circumstances,  
14 including her testimony that when she's in the  
15 presence of a smart meter such as at her  
16 mother's house? Is that fair.

17 MR. YEWCIC: Yes. It shows that on the  
18 first page under symptoms. She has the heart  
19 palpitations and the other things under  
20 neurologic headaches and ringing of the ears,  
21 all those things. She has those problems and  
22 they're all related. She doesn't have them so  
23 much here in my house because we eliminated  
24 everything, but if she's she goes to her mom's  
25 where she has a smart meter, yes, she has those

1           problems, or if she goes shopping she has those  
2           problems.

3           JUDGE WATSON: Okay. The testimony from  
4           Miss Yewcic and from you was establishing what  
5           you've observed regarding Miss Yewcic's  
6           symptoms and her testimony regarding symptoms.  
7           And then this document is being offered to show  
8           that those types of symptoms are caused by the  
9           exposure to electromagnetic frequencies and the  
10          other matters identified in the report. Is  
11          that fair?

12          MR. YEWICIC: That's fair.

13          JUDGE WATSON: Counsel?

14          MS. GIESLER: Your Honor, unfortunately we  
15          are going to object to this one as well. It  
16          constitutes hearsay. The earlier proposed  
17          documents I would note while it provides a  
18          compilation of studies, it doesn't provide full  
19          content of any of them and the hearsay is  
20          layered within this document. And for those  
21          reasons, it should be excluded.

22          JUDGE WATSON: All right. Any response,  
23          Mr. Yewcic or Ms. Yewcic?

24          MR. YEWICIC: Well, I understand you're  
25          saying it's hearsay, but my wife's testimony is

1 not hearsay. It's real, what she testified to.  
2 But I understand where you're coming from.  
3 These thing are real. If we can just get  
4 through this and help someone else down the  
5 road, so be it. But we are trying to help my  
6 wife here.

7 JUDGE WATSON: I appreciate that. I agree  
8 Ms. Yewcic's testimony is in the record and  
9 I'll consider it. I understand her testimony  
10 and symptoms that she's described. The  
11 document itself marked as Complainant Exhibit 4  
12 is hearsay and it's not a complete document, so  
13 I have to sustain the objection. So  
14 Complainant Exhibit 4 won't be admitted into  
15 the record. But Ms. Yewcic's testimony is in  
16 the record and I will certainly consider that.  
17 The next document I have here is first page at  
18 about the top third of the page in large font  
19 and bold font is entitled, Should You Be  
20 Worried About EMF Exposure? I've marked this  
21 as Complainant Exhibit 5. First page indicates  
22 in the lower right-hand corner one slash 15,  
23 next page two slash 15, next page three slash  
24 15, next page five slash 15, next page six  
25 slash 15, next page seven slash 15, next page

1 eight slash 15, and then we appear to go to a  
2 different document. I want to go through pages  
3 one slash 15 through three slash 15 and five  
4 slash 15 through eight slash 15. That appears  
5 to be the next exhibit. Go ahead and indicate  
6 what this document is and the purpose for the  
7 document, sir.

8 MR. YEWICIC: Same thing. It shows across  
9 the board, whether you're in Poland or in the  
10 State of Washington or you're a doctor  
11 someplace, people are identifying EMF exposure  
12 as an issue. It's not medically accepted  
13 today. They don't even know what Lyme disease  
14 is today. They can't treat it long-term. It's  
15 more information that shows things that are  
16 happening to my wife are real and other people  
17 are experiencing these things.

18 JUDGE WATSON: Counsel?

19 MS. GIESLER: Your Honor, I would note  
20 there are an author or reviewing doctor who are  
21 cited at the outset of this document, neither  
22 of whom are available to authenticate the  
23 document or be cross examined. This does  
24 constitute hearsay and we'd object. I'd also  
25 note it appears there is a fair amount of

1 content that could be missing from this  
2 document given that it only goes to Page eight  
3 of 15, and there is a page missing from the  
4 midst of that. So it would also be excludable  
5 on that basis.

6 JUDGE WATSON: Any response --

7 MR. YEWICIC: No.

8 JUDGE WATSON: In reviewing this document  
9 it doesn't seem to be, based on my review of  
10 the document at this time, any conclusive  
11 opinions regarding the subject matter. But I  
12 do note that at page six of 15 there is a  
13 section involving symptoms of EMF exposure and  
14 I would note that Ms. and Mr. Yewcic testified  
15 as to the symptoms being exhibited by Ms.  
16 Yewcic and also the circumstances when those  
17 symptoms are being manifested and related to  
18 the presence of a smart meter and the other  
19 testimony. I obviously will consider that  
20 testimony by Mr. and Mrs. Yewcic as far as the  
21 document itself. Complainant Exhibit-5, I have  
22 to sustain the objection and that document will  
23 not be admitted, but as I indicated the  
24 testimony regarding the symptoms and the  
25 circumstances surrounding the manifestation of

1 those symptoms is in the record and I will  
2 consider it that. The next document I have  
3 after the last Page 8 slash 15 of Complainant  
4 Exhibit 5 I'll mark as Complainant Exhibit 6,  
5 entitled My Ill Health From Wireless Smart  
6 Meters. This is again Exhibit 6 for  
7 identification purposes. The pages themselves  
8 are not marked or numbered by the author,  
9 whoever compiled the exhibits. However, based  
10 upon the color of the font and the font itself,  
11 it appears to be all one exhibit and appears to  
12 be the final exhibit in the packet submitted by  
13 Ms. Yewcic prior to the certificate of service.  
14 Is that fair?

15 MR. YEWIC: Yes.

16 JUDGE WATSON: Very good. Mr. and  
17 Mrs. Yewcic, if you want to indicate what that  
18 document is and the purpose for the offer of  
19 its admission.

20 MR. YEWIC: Again, this document is from  
21 England, United Kingdom. Other documents were  
22 from Poland, another from this country. It  
23 shows there are symptoms, similar problems or  
24 concerns of people who are subjected to this  
25 type of technology. This article offers a lot

1 of peoples testimony of what effect smart  
2 meters are having on them, as my wife testified  
3 to. It's just more information. It's not  
4 official. I don't have anyone to testify to  
5 the authenticity of this article. It shows  
6 across the board the problem exists and you  
7 can't get away from it. These may be hearsay.  
8 My wife, she's not hearsay. It's real.

9 JUDGE WATSON: Thank you, Mr. Yewcic.  
10 Counsel?

11 MS. GIESLER: Your Honor, the Company is  
12 going to object to this on the basis of  
13 hearsay.

14 JUDGE WATSON: Looks like a seven-page  
15 document that I previously identified. If  
16 there's nothing further, I'm going to sustain  
17 the objection. I'm not going to admit  
18 Complainant Exhibit 6 as hearsay. Again,  
19 Mr. and Mrs. Yewcic have submitted detailed  
20 testimony and that is in the record and that  
21 will be considered. With that said, Ms.  
22 Yewcic, is there any other evidence that you  
23 would like to present for me to consider at  
24 this time?

25 MS. YEWIC: In Sweden it is illegal in a

1 workplace to have an employee subjected to EMF  
2 in a current of over two MGs. That is Swedish  
3 government scientists that have done this.  
4 They proved the human tissue subjected to this  
5 type of field for an extended period of time  
6 there is a reasonable probability of developing  
7 cancer.

8 MS. GIESLER: Objection, your Honor. Move  
9 to strike on the basis of hearsay.

10 MS. YEWIC: I'd like to submit it.

11 MS. GIESLER: I would also object on the  
12 basis of relevance. We are not in Sweden.

13 JUDGE WATSON: Is this a document you have  
14 that you would want me to consider?

15 MS. YEWIC: Yeah, if you would like to  
16 read it I can have it sent to you.

17 JUDGE WATSON: If it's a document and  
18 something you want me to consider, I'll give  
19 you an opportunity to submit it as a  
20 late-filing exhibit. Counsel is indicating  
21 that they believe that based upon the  
22 identification of the document, at this point  
23 that Counsel would question the relevance of  
24 this document to this proceeding based upon the  
25 limited information that's been provided today

1           that hasn't been shared with anyone as of yet.  
2           What I'm saying is if this is something that  
3           you feel will help your case and you want to  
4           submit this as a late-filed exhibit, providing  
5           the full document and the reasons that you  
6           believe that it's admissible and relevant to  
7           this case, I'll let you do that. I'll let  
8           Counsel have an opportunity then to submit  
9           objections and then I can make a ruling if  
10          that's something you want to do. If it's  
11          something you don't believe is that viable to  
12          the case, that's up to you. You can step away  
13          from the phone if you'd like.

14                 MR. YEWIC: Yes, give us a minute.

15                 JUDGE WATSON: Take your time. If you  
16                 think it's admissible I'd be more than happy to  
17                 consider it.

18                 MR. YEWIC: We'll move on from that. We  
19                 won't submit that.

20                 JUDGE WATSON: Okay. Anything else you'd  
21                 like to present today? I'm going to give you  
22                 an opportunity to present a summary, which  
23                 isn't testimony but a summary, and also a brief  
24                 to address your summary of the case, as well as  
25                 your interpretation of the law and how the law

1 as you interpret it would support your request  
2 for relief. Okay?

3 MR. YEWICIC: What law are you referring  
4 to?

5 JUDGE WATSON: Whatever law you all would  
6 like to present. There has been law which was  
7 referenced in the Company's answer and new  
8 matter in this case. So that's probably a good  
9 starting point if the parties want to review  
10 the legal authority that was addressed in the  
11 pleadings. I think that's a good starting  
12 point. As far as the brief, I'll give you all  
13 plenty of time to do that.

14 MR. YEWICIC: We can do the summary and the  
15 a brief, yes.

16 JUDGE WATSON: If there is no other  
17 testimony or evidence from the Complainants --

18 MR. YEWICIC: One question. Would her  
19 medical records be admissible?

20 JUDGE WATSON: I don't see any medical  
21 records. Do you have those?

22 MR. YEWICIC: We have them here. No, she  
23 doesn't want her medical records released.

24 JUDGE WATSON: Anything else, Mr. Yewcic?  
25 Ms. Yewcic, anything further?

1 MS. YEWICIC: No, thank you.

2 JUDGE WATSON: Thank you very much. The  
3 Complainants rest. At this point does the  
4 Company have any evidence that the Company  
5 would like to submit into evidence?

6 MS. GIESLER: Yes, your Honor. This is  
7 Miss Giesler. Before we do that, I do have, if  
8 possible, some limited Cross-examination for  
9 Mr. and Mrs. Yewcic on the basis of everything  
10 we just heard here.

11 JUDGE WATSON: I apologize. Is it okay if  
12 we start with Mr. Yewcic?

13 MS. GIESLER: Yes.

14 JUDGE WATSON: Mr. Yewcic, Miss Giesler  
15 has some questions now for you for  
16 Cross-examination. Take your time.

17 \* \* \*

18 E X A M I N A T I O N

19 \* \* \*

20 BY MS. GIESLER:

21 Q Thank you for your testimony, Mr. Yewcic.  
22 I just want to clarify a couple things for our  
23 purposes for the record. Is it your understanding  
24 that the law in Pennsylvania as it stands today  
25 requires you to receive a smart meter or do you

1 believe you have the option of a smart meter under  
2 the law?

3 A Are you referring to Act 129?

4 Q Yes.

5 A When I retired from the legislature in  
6 2008 it went through my committee, Act 129. I have  
7 no recollect -- I don't recall anyone at any time  
8 stating that smart meters were a mandate, and they  
9 weren't. As I recall, there was language that  
10 talked about a customer, ratepayer or consumer may  
11 opt in. There was no other language. When I left  
12 the legislature, what happened in the courts,  
13 whatever the decisions were, I don't know. I did  
14 look at your testimony. I reviewed it. But the  
15 courts weren't in the legislature, I was. There was  
16 no mention of a mandate. If there was a mandate in  
17 2008 I doubt seriously it would have made it out of  
18 committee. It just wasn't the case. I assume it  
19 had to go to court down the road, at which I already  
20 left the legislature and wasn't paying attention to  
21 the process then. As far as am I mandated to put  
22 something on my house? I made no agreement to  
23 change the meter on my house, but our objection is  
24 the ill health it causes my wife. If the law states  
25 that we have to do something that's harmful to

1 somebody, then there is a problem with the law. I  
2 think common sense should prevail.

3 Q Are you aware of the fact that there have  
4 been numerous efforts to implement an opt out under  
5 the law that have not passed?

6 A Well, yeah. I've been in the process.  
7 Those things aren't going to happen unless there is  
8 an agreement between the house and government, the  
9 governor and probably the industry. I know how the  
10 process works. That's one of the reasons why I  
11 opted to retire early. Those efforts failed. Just  
12 because a state rep introduces language doesn't mean  
13 it's going to go anywhere unless there is an  
14 agreement to make it happen. I've been there.  
15 That's just not a good example of how things get  
16 done or not get done in the legislature as far as  
17 legislation is concerned. We have talked to the  
18 prime sponsor of that legislation and the new  
19 chairman of the committee last year when Godshaw  
20 retired is unable to get -- just doesn't seem to be  
21 any support to do it. I have my reasons why I  
22 believe that.

23 Q So that's a yes; is that correct? I need  
24 a yes or no. It's a yes or no question.

25 A State the question again.

1 Q Are you aware of the fact that there have  
2 been numerous unsuccessful attempts to implement an  
3 opt out revision to Act 129 as it exists today?

4 A Yes, I am aware legislation has been  
5 introduced and it has not passed.

6 Q It's correct that you voted for Act 129 as  
7 it's currently written today in support of it,  
8 correct?

9 A I voted for Act 129 in 2008 because as I  
10 stated, there were no mandates. There was no  
11 suggestion of a mandate. Those didn't come until  
12 later.

13 Q Correct me if I'm wrong, Mr. Yewcic.  
14 Isn't it true that all bills would also pass through  
15 the legislative reference bureau?

16 A Pardon me?

17 Q Wouldn't they have gone through a  
18 legislative legal review?

19 A What's that?

20 Q During the passage process? Did you ask  
21 what is that?

22 A You mean Act 129? Yeah, it goes to the  
23 legislative reprocess, yes.

24 Q So wouldn't a bunch of lawyers have looked  
25 over it for interpretation errors or any issues that

1 might be presented if passed with that language?

2 A I do not recall any communication of any  
3 lawyer in a reference bureau regarding the house  
4 bill before it passed. Nobody stated there was a  
5 mandate to implement smart meters. The house record  
6 and senate record are available and I'm pretty  
7 certain somebody, I think in the senate, maybe Fumo,  
8 former senator or somebody stated there was no  
9 mandate in the bill, and it was an opt in bill, not  
10 a mandate. That's my recollection.

11 Q Doesn't it stand to reason that if a bunch  
12 of the state legislators today will not agree to put  
13 in an opt out provision into the law, that it's  
14 possible that some of you just misunderstood what  
15 you were voting for?

16 A No. That's nonsense. Every legislative  
17 session is different. There are a lot of external  
18 reasons why people support and don't support  
19 legislation having to do with fundraising, perhaps  
20 jobs for children, family members. Who knows?  
21 There are a lot of reasons why things happen and  
22 don't happen in legislature and I don't think we are  
23 going to solve that problem here.

24 MS. GIESLER: I have nothing further for  
25 Mr. Yewcic, your Honor.

1 JUDGE WATSON: Thank you, Mr. Yewcic.  
2 Miss Giesler, any Cross-examination for Ms.  
3 Yewcic?

4 MS. GIESLER: Your Honor, I'm going to  
5 waive cross on Ms. Yewcic.

6 JUDGE WATSON: Very good. Anything  
7 further, Mr. Yewcic, by way of testimony?

8 MR. YEWIC: No, sir.

9 JUDGE WATSON: Ms. Yewcic?

10 MS. YEWIC: No, sir.

11 JUDGE WATSON: With that, the Complainants  
12 rest, and Miss Giesler?

13 MS. GIESLER: I'm going to hand it over to  
14 Miss Lepkoski who is going to present the  
15 Company's witness.

16 JUDGE WATSON: The time is now 11:22. If  
17 you all need a short break I'd be more than  
18 happy to do that. Mr. and Mrs. Yewcic, would  
19 you like to take a break before we proceed with  
20 the next witness?

21 MR. YEWIC: We are fine.

22 JUDGE WATSON: Okay. The Company's  
23 willing to proceed?

24 MS. GIESLER: Yes, your Honor.

25 JUDGE WATSON: Attorney Lepkoski is going

1 to take over and so we'll turn it over to her.

2 MS. LEPKOSKI: Thank you, your Honor. The  
3 Company would be calling John Ahr as their  
4 witness.

5 JUDGE WATSON: Everyone keep your voice  
6 up. Mr. Ahr, your business address for the  
7 record?

8 THE WITNESS: My business address is 800  
9 Abinsdale Drive, Greensburg, Pennsylvania,  
10 15601.

11 JUDGE WATSON: Mr. and Mrs. Yewcic, Miss  
12 Lepkoski is going to ask Mr. Ahr some  
13 questions, so I encourage you to jot down some  
14 notes that may be helpful for you in the event  
15 that you would want to ask any questions or  
16 cross-examination of Mr. Ahr. Okay?

17 MR. YEWIC: Okay.

18 JUDGE WATSON: Go ahead, Miss Lepkoski.

19 MS. LEPKOSKI: Thank you, your Honor.

20 \* \* \*

21 D I R E C T

22 E X A M I N A T I O N

23 \* \* \*

24 BY MS. LEPKOSKI:

25 Q Mr. Ahr, by whom are you employed and in

1 what capacity?

2 A Good morning. I am employed by First  
3 Energy Service Company, which is a subsidiary of  
4 First Energy Corporation. I am the adviser of  
5 regulatory compliance of smart meter and previously  
6 it's precursor position of manager of regulatory  
7 compliance of smart meter.

8 Q How long have you worked for First Energy  
9 Service Company?

10 A I've worked for over 36 years with  
11 subsidiaries of First Energy or its predecessor  
12 companies. I've worked in a variety of positions in  
13 engineering operations, customer services,  
14 transmission, customer support, energy efficiency  
15 and emerging technologies of various other  
16 companies.

17 Q How long have you been employed in your  
18 current position?

19 A I've been employed in my current position  
20 since 2018 and its precursor position since 2012.

21 Q Can you please describe your educational  
22 background and work experience?

23 A Yes. I'm a graduate of Pennsylvania State  
24 University with a Bachelor of Science Degree in  
25 Electrical Engineering, Master's Degree in Business

1 Administration from the University of Pittsburgh. I  
2 began work with the Company in 1984 as an engineer  
3 in the distribution planning area and was promoted  
4 to supervisor of transmission and distribution  
5 operations in 1992. I've subsequently held a number  
6 of management positions until promoted to the  
7 director of system operations in 1999. Other  
8 positions I've held include director of energy  
9 procurement, director of meter reading and  
10 collections, senior consultant, manager customer  
11 support and manager of regulatory compliance smart  
12 meter.

13 Q Can you please describe your duties and  
14 responsibilities as an adviser in regulatory  
15 compliance for the smart meter group?

16 A Yes. As the adviser of regulatory  
17 compliance smart meter I am responsible for  
18 regulatory compliance associated with the smart  
19 meter project. This includes all filings and  
20 resulting regulatory processes associated with the  
21 plan and approval. Within my role I provide  
22 leadership expert guidance, management subject  
23 matter expertise for the smart meter project, and I  
24 coordinate smart meter developments among the First  
25 Energy's operating companies. I serve as the Act

1 129 and smart meter subject matter expert and  
2 represent the smart meter project and First Energy's  
3 operating companies on regulatory matters. I assist  
4 in preparing for regulatory proceedings regarding  
5 smart meters, I manage external consultants and  
6 expert witnesses related to the smart meter project.

7 Q On whose behalf are you testifying in this  
8 proceeding?

9 A I'm testifying on behalf of Pennsylvania  
10 Electric Company, Penn Electric.

11 Q Have you previously testified before the  
12 Pennsylvania Public Utility Commission or any other  
13 regulatory bodies?

14 A Yes, I've testified before the Commission  
15 in the 2009 petition of Westend Fire Company doing  
16 business as Allegheny Power for expedited approval  
17 of its smart meter technology procurement and  
18 installation plan, and in formal complaint  
19 proceedings related to smart meters. I've also  
20 provided testimony before the West Virginia Public  
21 Service Commission in a general investigation into  
22 the standards that were set forth in the Energy  
23 Independent and Security Act of 2007 and I've also  
24 testified before the Maryland Public Service  
25 Commission, the Maryland Public Service Commission

1 in an adjustment of a fuel rate case in 1999.

2 MS. LEPKOSKI: Your Honor, I would like to  
3 note for the record, on July 13th the Company  
4 had served exhibits to your Honor as well as  
5 Mr. and Mrs. Yewcic and we will have John Ahr  
6 go through these exhibits here. However, we  
7 want to let everyone know, due to the  
8 testimony, we will not be going through all of  
9 the exhibits.

10 JUDGE WATSON: Mr. and Mrs. Yewcic, do you  
11 have those proposed exhibits that were  
12 submitted by the Company?

13 MR. YEWCIC: We don't have them printed  
14 out, no.

15 JUDGE WATSON: I'm at a disadvantage too,  
16 because I don't have them printed out either.  
17 But I do have them electronically on my  
18 computer. If you'd like to take a moment and  
19 pull them on up and review them, that's fine.

20 MR. YEWCIC: I reviewed them already.

21 JUDGE WATSON: Okay. That's acceptable to  
22 proceed as well, Ms Yewcic?

23 MS. YEWCIC: Yes.

24 JUDGE WATSON: Proceed, Miss Lepkoski.  
25

1 BY MS. LEPKOSKI:

2 Q Mr. Ahr, what happened to cause Penn  
3 Electric to begin exploring smart meter  
4 implementation?

5 A The Pennsylvania legislature adopted Act  
6 129 in 2008 requiring all electric distribution  
7 companies or EDCs with at least one hundred  
8 thousands customers to install smart meters  
9 throughout service territories, which includes Penn  
10 Electric.

11 Q Was Act 129 clarified in the Public  
12 Utility Code?

13 A Yes. Chapter 28 of the Title 66 of the  
14 Public Utility Code reflects the changes that were  
15 made by Act 129.

16 Q Can you identify for the record what has  
17 been previously marked as Public Document, or PD-1?

18 A Yes. This document is a copy of Chapter  
19 28, Title 66 of the Public Utility Code.

20 MS. LEPKOSKI: Your Honor, at this time I  
21 would request that your Honor take judicial or  
22 official notice of what has been premarked as  
23 PD-1.

24 JUDGE WATSON: Mr. and Mrs. Yewcic, there  
25 is a request that I take official or judicial

1 notice of what's been marked as PD-1, which  
2 means that document would not be admitted as an  
3 exhibit. However, the Company's requesting  
4 that I take official or judicial notice of that  
5 document, and that I would consider that law in  
6 making my decision. Do you have any objection  
7 to me taking notice of that document,  
8 Mr. Yewcic?

9 MR. YEWIC: Yes and no. The document --  
10 Act 129 happened. It's the law. I understand  
11 that. The problem we have is the effects of  
12 that law and how it affects my wife having a  
13 mandated smart meter attached to my house.  
14 This is more of a health issue than a law  
15 issue, but I understand what you're saying the  
16 law says. I may disagree with some of it,  
17 but....

18 JUDGE WATSON: I understand, Mr. Yewcic.

19 MR. YEWIC: I would object to that point.  
20 It's more of a health issue. I don't know what  
21 effect a judicial notice would make of that,  
22 how it affects my wife's case.

23 JUDGE WATSON: Okay. Ms. Yewcic,  
24 anything?

25 MS. YEWIC: No. That's fine.

1           JUDGE WATSON: I am going to take official  
2 notice of what's been marked as PD-1. It is  
3 the law. I will consider it when making my  
4 decision. However, it's important for the  
5 parties to understand that the parties can also  
6 reference that law in their briefs and their  
7 arguments and can express their interpretation  
8 of that law and how the parties believe that  
9 law would in fact impact the claims raised in  
10 this case by the parties and also the relief  
11 requested. With that said, thank you for your  
12 input. Miss Lepkoski, go ahead.

13           MS. LEPKOSKI: Thank you, your Honor.

14 BY MS. LEPKOSKI:

15           Q     Mr. Ahr, does Act 129 apply to Penn Elec?

16           A     Yes. Penn Elec is an EDC with at least  
17 one hundred thousand customers and they're required  
18 to install the smart meters which have the specific  
19 characteristics defined in the Act throughout its  
20 service territory.

21           Q     What steps were taken by the Pennsylvania  
22 Public Utility Commission after Act 129 was adopted?

23           A     The Commission issued an implementation  
24 order on June 24th of 2009. This provided the  
25 general direction to EDCs regarding their adoption

1 of smart meter programs which required Penn Elec to  
2 submit a smart meter implementation and plan.

3 Q Can you please identify for the record  
4 what has been previously marked as Public Document  
5 or PD-2?

6 A Yes. This is a copy of the Commission's  
7 implementation order. It was entered on June 24th,  
8 2009.

9 MS. LEPKOSKI: Your Honor, I would like to  
10 request that your Honor take official or  
11 judicial notice of the document premarked as PD  
12 Number 2.

13 JUDGE WATSON: Any objection, Mr. Yewcic?

14 MR. YEWCIC: No. I would just ask if  
15 there were objections to any of this being --  
16 were there objections to the installation or do  
17 I cross examine later?

18 JUDGE WATSON: No. I'll give you an  
19 opportunity to cross examine, but are you  
20 asking Counsel regarding the document itself?

21 MR. YEWCIC: I have no objection. Go  
22 ahead.

23 JUDGE WATSON: I'll take official notice  
24 of PD-2. Go ahead, Miss Lepkoski.

25

1 BY MS. LEPKOSKI:

2 Q Mr. Ahr, did Penn Elec comply with the  
3 Pennsylvania Public Utility Commission directive of  
4 filing an initial smart meter technology procurement  
5 and installation plan?

6 A Yes. Penn Elec's smart meter procurement  
7 and installation plan was submitted to the  
8 Commission on August 14th of 2009.

9 Q Did the Pennsylvania Public Utility  
10 Commission approve Penn Elec's smart meter  
11 technology procurement and installation plan?

12 A Yes. On June 9, 2010 the Commission  
13 issued its order approving Penn Elec's smart meter  
14 procurement and installation plan with  
15 modifications.

16 Q Can you please identify for the record  
17 what has been previously marked as Public Document  
18 or PD-3?

19 A Yes. It's a copy of the Commission's  
20 June 9th, 2010 order approving Penn Elec's smart  
21 meter procurement and installation plan.

22 MS. LEPKOSKI: Your Honor, I would ask  
23 that your Honor take judicial or official  
24 notice of the document that's previously marked  
25 as PD-3.

1           JUDGE WATSON: Mr. and Mrs. Yewcic, the  
2           Company is asking that I take official notice  
3           or consider in making my decision what's been  
4           marked as PD-3, the joint petition of  
5           Metropolitan Edison Company, Pennsylvania  
6           Electric Company and Pennsylvania Power Company  
7           for approval of its smart meter technology  
8           procurement and installation plan with the  
9           order dated June 9th, 2010. Is there any  
10          objection to the taking of official or judicial  
11          notice of that document?

12          MR. YEWCIC: Of the document, no. Of the  
13          plan, yes.

14          JUDGE WATSON: You don't agree with the  
15          content of it, but you don't have an objection  
16          of me reviewing the document itself?

17          MR. YEWCIC: No, I don't have any  
18          objection to it, no.

19          JUDGE WATSON: Mrs. Yewcic, any objection?

20          MS. YEWCIC: No.

21          JUDGE WATSON: I will take official notice  
22          of what's marked as PD-3, Miss Lepkoski.

23          MS. LEPKOSKI: Thank you, your Honor.

24          BY MS. LEPKOSKI:

25          Q       Mr. Ahr, after Penn Elec's smart meter

1 technology procurement and installation plan was  
2 approved, what steps did Penn Elec take towards  
3 smart meter deployment?

4 A Penn Elec began evaluating potential smart  
5 meter technology system.

6 Q Did Penn Elec file a smart meter  
7 deployment plan with the Commission?

8 A Yes, Penn Elec filed it's initial  
9 deployment plan with the Commission on December 31st  
10 of 2012.

11 Q Are you familiar with Penn Elec's smart  
12 meter deployment plan?

13 A Yes, I am. I assisted with the  
14 development and filing of the joint petition for  
15 approval of Penn Elec's smart meter deployment plan.  
16 This was filed in conjunction with Penn Elec's  
17 sister Pennsylvania operating companies. I  
18 participated in each stage of the review of the  
19 deployment plan. I was involved in changes made to  
20 the deployment plan that were consistent with the  
21 Commission's March 6, 2013 order.

22 Q Are you familiar with the smart meter  
23 technology that's in accordance with Act 129?

24 A Yes, I am. The smart meter technology  
25 includes but it's not limited to the smart meters

1 themselves. There are also connected routers, range  
2 extenders, a head end that consists of a flexion  
3 engine and fields network director and a meter data  
4 management system.

5 Q Was Penn Elec's smart meter deployment  
6 plan approved by the Pennsylvania Public Utility  
7 Commission?

8 A Yes. Following a review process and  
9 certain modifications the Commission did ultimately  
10 approve Penn Elec's panel smart meter deployment  
11 plan on June 25th of 2014.

12 Q Would you identify what has been  
13 previously marked as Public Document or PD-4?

14 A Yes. This is a copy of the Commission's  
15 June 25, 2014 order approving Penn Elec's final  
16 smart meter deployment plan.

17 MS. LEPKOSKI: Your Honor, I would like to  
18 request that your Honor take judicial or  
19 official notice of what's been marked as PD-4.

20 JUDGE WATSON: Thank you. Mrs. and  
21 Mr. Yewcic, I've been requested to take  
22 official or judicial notice of PD-4. Is there  
23 any objection to that request?

24 MR. YEWCIC: Nope.

25 JUDGE WATSON: Ms. Yewcic, any objection?

1 MS. YEWIC: No.

2 JUDGE WATSON: Without objection, I will  
3 take official or judicial notice of what's been  
4 marked as PD-4. Thank you, Miss Lepkoski?

5 BY MS. LEPKOSKI:

6 Q Mr. Ahr, can you identify what's been  
7 previously marked as JCA-1?

8 A Yes. This is a copy of Penn Elec's final  
9 approved deployment plan.

10 Q What type of information does this smart  
11 meter deployment plan contain?

12 A The plan identifies how Penn Elec's smart  
13 meter technology was chosen, features and  
14 characteristics of the smart meter technology, the  
15 communication process between the smart meters and  
16 Penn Elec and the cost and savings associated with  
17 the deployment of smart meters.

18 Q How did Penn Elec choose its smart meter  
19 technology?

20 A Penn Elec conducted multiple rounds of  
21 requests for information and requests for proposals  
22 from vendors of smart meter systems and equipment.

23 Q Can you generally describe the smart meter  
24 technology being deployed by Penn Elec?

25 A Yes. The smart meters and the

1 communication network and the supporting systems are  
2 all referred to as advanced metering infrastructure,  
3 or AMI. AMI is the system that allows for the  
4 bi-directional communication between the smart  
5 meters and Penn Elec. It records customers'  
6 interval consumption of electricity, it allows for  
7 the transmission of meter readings over a  
8 communication network to a central connection point  
9 and supporting systems.

10 Q What is the specific type of AMI used by  
11 Penn Elec?

12 A It's an Itron open wave centron smart  
13 meter. Itron is the manufacturer of Penn Elec's  
14 smart meters. They are also the vendor in charge of  
15 the smart meter communication system.

16 Q Is Penn Elec required to follow the smart  
17 meter deployment plan?

18 A Yes, they are. Any plan approved by  
19 Commission order is legally binding on Penn Elec.

20 Q Based on your understanding of Act 129,  
21 the Commission's orders related to smart meters you  
22 just went over, the Company's commission approved  
23 smart meter plan you just went over, do you believe  
24 a customer has the ability to opt out of having a  
25 smart meter installed at his or her home?

1           A     No. Act 129 requires that all EDCs with  
2 more than one hundred thousand customers install  
3 smart meters throughout their service territories.  
4 It doesn't allow for any customers or EDCs to opt  
5 out of this smart meter installation. In addition,  
6 Penn Elec's smart meter deployment plan was approved  
7 by the Commission under an assumption that no  
8 customers may opt out of the installation.

9           Q     Just to clarify for the record, can you  
10 describe what you mean when you said assumption?

11           A     Yes. Referring to what's been marked as  
12 Penn Elec Exhibit number JCA-1, on Page 47 of 80 of  
13 the deployment plan it specifically states the  
14 following. "At this pace the Company expects to  
15 install approximately 98 and a half percent of all  
16 meters by mid 2019 with the remaining 1.5 percent of  
17 the meters being installed thereafter through  
18 December 31st of 2022. The 1.5 percent of the  
19 installations represent those installations that may  
20 require alternative communication solutions or  
21 difficult to reach locations, such as remote hunting  
22 cabins."

23           Q     Is it significant to you that the plan  
24 refers to the deployment of 98.5 percent meters  
25 followed by the remaining 1.5 percent of smart

1 meters?

2 A Yes. When added together those  
3 percentages equal 100 percent of meters. Clearly  
4 this plan requires Penn Elec to install smart meters  
5 at all customer service locations.

6 Q Do you have any reason to believe based on  
7 your experience and the testimony submitted here  
8 today by Mr. and Mrs. Yewcic that the smart meters  
9 being installed by the Company are unsafe?

10 A No, I don't. The smart meters that Penn  
11 Elec is installing comply with all the safety  
12 requirements and standards that were established by  
13 agencies such as the Federal Communications  
14 Commission. The meter manufacturer for Penn Elec  
15 smart meters, Itron, enlist certified personnel to  
16 perform ANSI or American National Standards  
17 Institute tests on metered products that are  
18 commercialized by Itron. These Itron certified  
19 personnel were involved early in the development  
20 phase of the project, therefore, requiring design  
21 knowledge of the metering product. Having this  
22 knowledge of the design means these individuals are  
23 aware of product behavior and are therefore able to  
24 dissect product anomalies, if any, during all of the  
25 testing. And the smart meters that Penn Elec are

1 installing are UL certified. This means the  
2 personnel has performed testing to conform  
3 compliance to UL 27-35.

4 Q Has the company violated any Commission  
5 order regulation or statute in this proceeding?

6 A No.

7 Q Does this conclude your testimony for  
8 today?

9 A Yes, it does.

10 MS. LEPKOSKI: Your Honor, at this time I  
11 would like to enter into the record Exhibit  
12 JCA-1 subject to Mr. Ahr's Cross-examination,  
13 and he's available.

14 JUDGE WATSON: Ms. Yewcic, do you have any  
15 questions for Mr. Ahr?

16 MR. YEWICIC: I have a couple questions.

17 JUDGE WATSON: Go ahead, Mr. Yewcic.

18 MS. GIESLER: Your Honor, I'm going to  
19 object. Mr. Yewscic is not one of the  
20 complainants in this matter and for that reason  
21 he should not be representing Ms. Yewcic in  
22 this proceeding.

23 MR. YEWICIC: Your Honor, she's my wife and  
24 this is my house.

25 MS. YEWICIC: And my health is not well.

1 JUDGE WATSON: Okay. Miss Yewcic, I  
2 understand you indicated your health is not  
3 well. What I want you to do is take a couple  
4 moments and speak with Mr. Yewcic so that  
5 you're on the same page as to what questions  
6 you would like to ask Mr. Ahr. And you're  
7 asking that Mr. Yewcic ask the questions given  
8 your health situation. Is that fair,  
9 Mrs. Yewcic?

10 MS. YEWIC: Yeah, that's fair.

11 JUDGE WATSON: I understand Counsel has  
12 objected to that and Counsel is correct that  
13 Mr. Yewcic is not a party to this proceeding.  
14 And I'm going to give Mr. and Mrs. Yewcic some  
15 latitude and given Mrs. Yewcic's request, I'm  
16 going to let Mr. Yewcic ask the  
17 Cross-examination questions. You're going to  
18 yield to Mr. Yewcic in lieu of you asking the  
19 questions; is that right, Mrs. Yewcic?

20 MS. YEWIC: Yes.

21 JUDGE WATSON: Okay. Go ahead,  
22 Mr. Yewcic.

23 MR. YEWIC: Okay. Give me one minute,  
24 okay?

25 JUDGE WATSON: Take your time.

1 \* \* \*

2 C R O S S

3 E X A M I N A T I O N

4 \* \* \*

5 BY MR. YEWCIC:

6 Q Mr. Ahr, can you tell me when the safety  
7 standards by the FCC were set which you eluded to?

8 A I'm not aware when they were originally  
9 set. I do know that they were reaffirmed this past  
10 December from the FCC when they reviewed those  
11 standards and found that no changes were required  
12 with those standards. That occurred in December.

13 Q I understand they were reaffirmed, but you  
14 don't know when they originally set the standard?  
15 Were they in the 1990s? You don't know?

16 A Yes, I believe I've said that already.

17 Q You believe that's when it occurred, in  
18 the '90s?

19 A No, sir. I believe I answered that I'm  
20 not aware when they were.

21 Q So we are not aware when FCC set those  
22 standards. The reason I ask is a lot of things have  
23 changed since the 1990s.

24 MS. GIESLER: Your Honor, I'm going to  
25 object. This is the time to ask questions not

1 explain or testify of why.

2 BY MR. YEWICIC:

3 Q I'll move on. Are you aware of any other  
4 customers complaining about the health effects that  
5 these meters may cause?

6 A Yes.

7 Q What kind of health concern did they have?

8 MS. GIESLER: Objection. Relevance, your  
9 Honor.

10 JUDGE WATSON: Sorry. There was an  
11 objection to the relevance. Give a response,  
12 Mr. Yewcic.

13 MR. YEWICIC: The question goes to the  
14 heart of the case. He testified that he's  
15 aware of customers complaining about the health  
16 effects and I think it's important to know what  
17 those health effects are. Are they similar to  
18 what my wife testified to?

19 JUDGE WATSON: I'm going to allow the  
20 question. Go ahead, Mr. Ahr.

21 THE WITNESS: Certainly. Could you repeat  
22 the question?

23 BY MR. YEWICIC:

24 Q What health effects have customers  
25 reported or complained to you concerning smart

1 meters?

2 A In general I'd say I've heard of other  
3 customers complaining of similar health effects that  
4 we have heard today from you and your wife.

5 Q So basically the same symptoms? Is that  
6 what you're saying?

7 A I don't know if I could testify to the  
8 exact same symptoms, but in general the same as what  
9 I've heard this morning during your testimony.

10 Q Okay. The meters themselves, did they  
11 operate on a particular frequency?

12 A Yes. Meters, when they transmit your  
13 energy consumption, operate over a 900 megahertz  
14 frequency.

15 Q Is that a pulsating frequency or is it  
16 continuous?

17 A No. The meters -- I don't know if I would  
18 characterize it as either of those two options. The  
19 meters communicate typically less than a total of  
20 three minutes per day as they are communicating the  
21 usage information.

22 Q And what kind of information do they send  
23 back to the Company?

24 A It's the customer's interval usage  
25 information that's sent back over a secured

1 communication network. There is no personal  
2 identifiable information that's transmitted over the  
3 smart meter communications network, nothing like  
4 your name or accounts or any information like that.  
5 It's the usage information that the area is  
6 regarding.

7 Q Is that information absent personal  
8 identification sold to vendors or used for marketing  
9 purposes?

10 A Sorry, just to clarify, did you say sold  
11 to vendors?

12 Q Sold or shared to vendors for marketing  
13 purposes, yes.

14 A No, it's not.

15 Q Okay.

16 A The Company has a privacy policy that was  
17 approved by the Commission which states that the  
18 companies do not sell or share any of what's  
19 identified as sensitive customer information to  
20 third parties.

21 Q Has the company ever addressed issues that  
22 smart meters may have caused harm to its customers?

23 A The companies do not believe that the  
24 meters are unsafe in any manner for that.

25 Q The company does not believe, okay. But

1 you have heard complaints that similar symptoms that  
2 my wife may have have occurred, though? You're  
3 aware of those?

4 A I'm not aware of the symptoms, no.

5 Q But you're aware of the concerns?

6 A I believe I've answered that.

7 Q Yeah, you did. Okay.

8 MR. YEWIC: No other questions, your  
9 Honor.

10 JUDGE WATSON: Ms. Yewcic, anything else?

11 MS. YEWIC: No, sir.

12 JUDGE WATSON: Any Redirect, Miss  
13 Lepkoski?

14 MS. LEPKOSKI: No, your Honor.

15 JUDGE WATSON: The Company offered JCA-1,  
16 the Company's final approved deployment plan.  
17 Do you have any objection to the admission of  
18 that document into evidence, Mr. or Mrs. Yewcic?

19 MR. YEWIC: I do not.

20 MS. YEWIC: No.

21 JUDGE WATSON: All right. JCA-1 will be  
22 admitted. Does the Company have any additional  
23 evidence?

24 MS. LEPKOSKI: No, your Honor.

25 JUDGE WATSON: Thank you. Ms. Yewcic, do

1           you have any additional evidence that you'd  
2           like to submit today?

3           MS. YEWICIC: No, sir.

4           JUDGE WATSON: Mr. Yewcic, anything else  
5           today with regard to evidence?

6           MR. YEWICIC: No.

7           JUDGE WATSON: We are going to close the  
8           record with regard to evidence being received.  
9           I know the parties have indicated a desire to  
10          submit briefs in this matter. Today is  
11          July 22nd, so I'd be looking at briefs, this is  
12          a general timeframe, by the end of September.  
13          Would that give you sufficient time to prepare  
14          your written brief, Ms. Yewcic?

15          MS. YEWICIC: It will.

16          JUDGE WATSON: Okay, great. Does the  
17          Company want to propose a briefing deadline?

18          MS. GIESLER: Yes, your Honor. This is  
19          Ms. Giesler. It's my expectation that we  
20          should have the transcript by the end of  
21          August. That being the case, I think we  
22          propose September 25th as the due date for the  
23          brief in this matter. That's a Friday.

24          JUDGE WATSON: Thank you. Does that give  
25          Mr. and Mrs. Yewcic enough time to prepare your

1           brief?

2                   MR. YEWIC:  Yes, sir, that's fine.

3                   JUDGE WATSON:  If you wish to purchase a  
4           copy of the transcript you can contact my  
5           office in Pittsburgh, Office of Administrative  
6           Law Judge in Pittsburgh.  There is no one there  
7           presently because of the Corona virus pandemic,  
8           but there is an answering machine that is  
9           checked on a daily basis.  If you leave a  
10          message someone will get back to you promptly  
11          and give you the information to contact the  
12          court reporting service.  In the event that the  
13          parties do not wish to purchase a transcript,  
14          you can make arrangements to view the  
15          transcript, but it's not necessary that you  
16          cite to the record or to the transcript when  
17          you summarize the case.  You can rely on your  
18          notes and simply summarize your position and  
19          set forth your legal arguments and that's fine.  
20          If you're concerned about how to write your  
21          brief, Pennsylvania Code on-line, PA Code  
22          on-line, you can look that up on the internet  
23          and do a search for briefs.  That will give you  
24          information you need regarding the briefs.  
25          With that, we'll set a deadline for briefs to

1 be submitted by September 25th. Those should  
2 be filed electronically and you can provide a  
3 copy to me and the opposing party  
4 electronically as well by the 25th of  
5 September. Again, as I indicated, after I  
6 review the briefs of the parties I'll issue my  
7 initial decision. They will receive that along  
8 with the letter from the Commission secretary  
9 advising the parties of how to appeal or file  
10 exceptions to my decision. I think that covers  
11 everything. I want to thank the parties.  
12 Everyone has been very gracious and patient in  
13 conducting this telephone hearing. I  
14 appreciate that. Thank you. Counsel, anything  
15 further before we conclude?

16 MS. GIESLER: We do not, your Honor.

17 JUDGE WATSON: Mr. Yewcic, anything else?

18 MR. YEWIC: No, sir.

19 JUDGE WATSON: Ms. Yewcic, the time is now  
20 12:09 and you get the last word.

21 MS. YEWIC: Thank you all for being  
22 patient. Sorry I lost it there for a while,  
23 but it's just hard.

24 JUDGE WATSON: I understand. I hope the  
25 hearing wasn't as difficult as what may be

1           anticipated. Hopefully it went smoothly for  
2           you. We try our best to reduce anxiety and try  
3           to help so that this doesn't have to be a  
4           stressful situation. Although sometimes there  
5           is no way to avoid it. I appreciate  
6           everybody's patience and professionalism.  
7           Nothing further, I'll conclude this hearing.  
8           Time is now 12:10 and we are adjourned. Thank  
9           you.

10                           \* \* \*

11                           (Witness excused.)

12                           \* \* \*

13                           (Whereupon, the hearing concluded  
14           at 12:10 p.m.)

15                           \* \* \*

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C E R T I F I C A T I O N

I, Karen A. Stevens, a Court Reporter  
and Notary Public, do hereby certify the  
foregoing to be a true and accurate transcript  
of the proceedings in this matter, as  
transcribed from the stenographic notes taken  
by me.



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Karen A. Stevens  
Court Reporter  
Notary Public

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