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July 6, 2015

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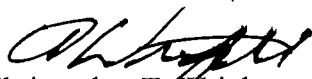
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Pennsylvania Public Utility Commission v. PPL Electric Utilities Corporation
Docket No. R-2015-2469275

Dear Secretary Chiavetta:

Enclosed for filing is the Motion of PPL Electric Utilities Corporation to Dismiss Objections and Compel Responses to Discovery Propounded on the Alliance for Solar Choice – Set I, in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,


Christopher T. Wright

CTW/jl
Enclosures

cc: Certificate of Service
Honorable Susan D. Colwell

CERTIFICATE OF SERVICE
Docket No. R-2015-2469275

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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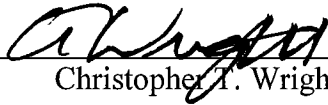
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Date: July 6, 2015



Christopher T. Wright

2. On June 30, 2015, counsel for TASC contacted counsel for PPL Electric to orally object to certain interrogatories in PPL to TASC Set I.¹

3. Also on June 30, 2015, TASC served its objections to PPL to TASC Set I. A true and correct copy of TASC's objections to PPL to TASC Set I is attached hereto and marked as **Appendix B**.

4. On July, 1, 2015, counsel for PPL Electric contacted TASC in an effort to resolve the objections without the need for formal motions. Although PPL Electric and TASC were able to resolve some of the objections, they were unable to resolve TASC's objections to certain interrogatories. Specifically, TASC and PPL Electric were unable to resolve the objections to PPL to TASC, Set I, Nos. 3, 10, 29, 34, and 35.

5. Under 52 Pa. Code § 5.321(c), a party is entitled to obtain discovery of any matter not privileged that is relevant to the pending proceeding, or any matter that is reasonably calculated to lead to the discovery of admissible evidence. Discovery is permitted regardless of whether the information sought "relates to the claim or defense of the party seeking discovery or to the claim or defense of another party." *Id.*

6. An objection to a discovery request must "[r]estate the interrogatory or part thereof deemed objectionable and the specific ground for the objection." 52 Pa. Code § 5.342(c)(2). Furthermore, the objection must "[i]nclude a description of the facts and circumstances purporting to justify the objection." 52 Pa. Code § 5.342(c)(3); *see* 52 Pa. Code § 5.350(d)(3) (stating that the "[g]rounds for objections" to a request for admission "must be specifically stated").

¹ Pursuant to the Amended Scheduling Order issued on May 7, 2015, objections are to be communicated orally within three (3) calendar days of service of the interrogatories, *i.e.*, as a result of the weekend, TASC's oral objections were due on or before June 29, 2015.

7. The Commission generally provides wide latitude in discovery matters. *See Pa. P.U.C. v. The Peoples Natural Gas Co.*, 62 Pa. P.U.C. 56 (Order Entered Aug. 26, 1986); *Pa. P.U.C. v. Equitable Gas Co.*, 61 Pa. P.U.C. 468 (Order Entered May 16, 1986).

8. For the reasons stated below, PPL Electric respectfully requests that the ALJ grant this Motion and order TASC to answer fully PPL to TASC-Set I, Nos. 3, 10, 29, 34, and 35, as described below.

II. TASC'S OBJECTIONS LACK MERIT

A. TASC's Objection to PPL to TASC Set I, No. 3 Lacks Merit.

9. PPL to TASC Set I, No. 3 provides:

Please identify whether TASC, or any of its predecessor organizations and/or associated entities, has in the last five years filed testimony, comments, or provided any expert reports related to public utility rates, rate design, cost of service studies, revenue allocation, or fixed utility customer charges in any proceeding, other than this case. If so, please identify, describe, and provide the following:

(a) Identify the relevant agency, court, case name, and case number in which TASC, any of its predecessor organizations and/or associated entities filed testimony, comments or provided expert reports;

(b) Describe the nature and content of all such reports, comments, or testimony filed by TASC, any of its predecessor organizations and/or associated entities;

(c) Provide a copy of all such reports, comments, or testimony filed by TASC, any of its predecessor organizations and/or associated entities; and

(d) Provide each document supplied to, reviewed by, relied on, or prepared by or on behalf of TASC, any of its predecessor organizations and/or associated entities in connection with the reports, comments, or testimony.

10. TASC's Objection to PPL to TASC, Set I, No. 3 reads as follows:

TASC can provide a list of proceedings and docket numbers which TASC has participated in regard to rate design, increased customer charges and cost of service studies. Filings in those proceedings will be available at websites associated with those dockets.

TASC objects to part (d) of the question as over broad and burdensome. It would not be possible provide each document supplied to, reviewed by, relied on, or prepared by or on behalf of TASC, in connection with the reports, comments, or testimony. These documents were prepared by many different expert witnesses and TASC does not have it in its possession such a collection of documents.

11. Under 52 Pa. Code § 5.321(b), PPL Electric is entitled to obtain discovery of any matter not privileged that is relevant to the pending proceeding, or any matter that is reasonably calculated to lead to the discovery of admissible evidence.

12. The information sought in PPL to TASC Set I, No. 3 relates directly to the issues TASC has raised in this case. TASC's direct testimony contests PPL Electric's proposed fixed customer charge for residential customers. (TASC Statement No. 1, pp. 12-13) Further, in its Amended Petition to Intervene, TASC claimed that it has participated in "numerous" public utility commission proceedings concerning customers' fixed charges, presumably in base rate proceedings. (TASC Amended Petition to Intervene, ¶ 5) As a result, PPL Electric is entitled to discovery of TASC's testimony, comments, or expert reports in those proceedings, including any supporting documents, to investigate the positions that TASC has taken in those other proceedings concerning fixed charges. Such information is vital to evaluating and testing TASC's arguments in this case, in particular whether TASC's arguments and positions have been consistent.

13. Similarly, TASC's direct testimony relates to PPL Electric's rate design, ratemaking, cost of service study, and revenue allocation. (TASC Statement No. 1, pp. 12-19) Accordingly, the topics of public utility rates, rate design, cost of service, and revenue allocation

are integrally related to the issues TASC seeks to examine in this case. Therefore, any testimony, comments, or expert reports related to public utility rates, rate design, cost of service studies, or revenue allocation, as well as any supporting documents, are especially relevant to this proceeding and PPL Electric's defense of its proposals.

14. Furthermore, it would be inadequate for TASC only to provide a list of proceedings and docket numbers which TASC has participated in regarding rate design, increased customer charges, and cost of service studies. TASC claims that the filings in those proceedings will be available at websites associated with those dockets. However, not all state public utility commission websites provide full and necessary access to documents filed with those commissions. Therefore, there is no guarantee that PPL Electric will have adequate access to the reports, comments, or testimony filed with those commissions by TASC or a predecessor organization or associated entity. In the event that the requested information is in fact publicly available from a website, PPL Electric submits that it is reasonable and appropriate for TASC to provide a list, docket number, and website for each such proceeding. However, to the extent that the requested information is not fully available through a publicly accessible website, PPL Electric submits that TASC should be required to produce the requested information.

15. Further, PPL to TASC Set I, No. 3(d) is not overly broad and unduly burdensome. PPL to TASC Set I, No. 3(d) is limited in scope, both in time and the type of documents it requests. PPL Electric only seeks the relevant testimony, comments, and expert reports submitted by TASC or any of its predecessor organizations or associated entities within the last five years. The interrogatory also only seeks documents that TASC reviewed, relied on, received, prepared, or had prepared on its behalf. If any documents are not attainable by TASC after exercising due diligence to secure the requested information, it may so state and answer

PPL to TASC Set I, No. 3 to the extent possible in accordance with Instruction 12 of PPL to TASC Set I. However, TASC cannot reasonably claim that it would not be “possible” to provide the requested documents, particularly when these are documents that TASC reviewed, relied on, received, prepared, or had prepared on its behalf.

16. Based on the foregoing, PPL Electric respectfully submits that it is entitled to obtain discovery of these information and materials requested in PPL to TASC Set I, No. 3, which is reasonably calculated to lead to the discovery of admissible evidence.

WHEREFORE, PPL Electric respectfully requests that the ALJ grant its Motion to Dismiss Objections and Compel Responses to Discovery, and order TASC to answer fully PPL to TASC Set I, No. 3 as described above.

B. TASC’s Objection to PPL to TASC Set I, No. 10 Lacks Merit.

17. PPL to TASC Set I, No. 10 states as follows:

Please provide all information that TASC has in its possession, including but not limited to survey and focus group research, analysis conducted by other utilities, and internal memoranda or studies regarding increases of fixed residential customer utility charges.

18. TASC’s Objection to PPL to TASC Set I, No. 10 provides:

TASC understands this question to refer to consumer attitudes toward increases in fixed changes. TASC will provide an answer, excluding information that is subject to its objection to this request pursuant to 52 Pa. Code § 5.342 to the extent it seeks the production of “studies, analyses, workpapers, memoranda, or other documents prepared by or for TASC relating to the customer impacts of PPI, Electric’s proposed residential rate design” that are protected by the attorney-client privilege and/or the work-product privilege.

Furthermore, TASC objects to this request because it is overly broad and unduly burdensome in that it asks TASC to “provide all information that TASC has in its possession, including but not limited to survey and focus group research, analysis conducted by other utilities, and internal memoranda or studies regarding

increases of fixed residential customer utility charges.” There is a large body of work on this subject including decisions from utility commissions across the country, testimony provided by utilities in other jurisdictions, and research papers and memorandum from many sources. Any documents that Mr. Gabel relied on in formulating his testimony will be provided in response to questions 1-7,1-8, and 1-9.

19. Under 52 Pa. Code § 5.321(b), PPL Electric is entitled to obtain discovery of any matter not privileged that is relevant to a pending proceeding, or any matter that is reasonably calculated to lead to the discovery of admissible evidence. The discovery sought in PPL to TASC Set I, No. 10 is relevant to the current proceeding and is reasonably calculated to lead to the discovery of admissible evidence.

20. TASC claims that PPL to TASC Set I, No. 10 is overly broad and unduly burdensome because “[t]here is a large body of work on this subject including decisions from utility commissions across the country, testimony provided by utilities in other jurisdictions, and research papers and memorandum from many sources.” (Appendix B, TASC Objections, p. 2) Beyond this, however, TASC avers no facts in support of its claim that the interrogatory is overly broad and unduly burdensome.

21. PPL to TASC Set I, No. 10 is not overly broad and unduly burdensome. PPL Electric is not seeking all documents related to survey and focus group research, analysis conducted by other utilities, and internal memoranda or studies regarding increases of fixed residential customer utility charges. Rather, the Company only seeks such documents that are in TASC’s possession. TASC need not provide any documents that are not in its possession in response to PPL to TASC Set I, No. 10.

22. Further, TASC fails to substantiate how providing any of the requested information that is in its possession is overly broad or unduly burdensome. Therefore, TASC has

failed to present the facts and circumstances purporting to justify its objection to PPL to TASC Set I, No.10, as required by the Commission's regulations. *See* 52 Pa. Code § 5.342(c)(3).

23. Finally, PPL Electric notes that PPL to TASC Set I, No. 10 is substantially identical to the interrogatory TASC asked PPL Electric in TASC Set II Interrogatory No. 21. TASC cannot credibly argue that PPL to TASC Set I, No. 10 is overly broad and unduly burdensome where TASC itself has asked the very same question from PPL Electric.

24. PPL Electric submits that PPL to TASC Set I, No. 10 is narrow in scope and reasonably calculated to lead to the discovery of admissible evidence.

WHEREFORE, PPL Electric respectfully requests that the ALJ grant its Motion to Dismiss Objections and Compel Responses to Discovery, and order TASC to answer fully PPL to TASC Set I, No. 10.

C. TASC's Objections to PPL to TASC Set I, Nos. 29, 34, and 35 Lack Merit.

25. PPL to TASC Set I, No. 29 provides:

Please identify the total number of TASC's members.

26. TASC's Objection to PPL to TASC Set I, No. 29 states as follows:

TASC will provide an answer, excluding information that is subject to the objection, pursuant to 52 Pa. Code § 5.342 that it seeks the production of information concerning TASC's members and contributors in violation of TASC's members right of association and right to privacy. *See, In re Smith*, 1987 Pa. Dist. & Cnty. Dec. LEXIS 43, *1-3, 50 Pa. D. & C.3d 591, 591-592 (Pa. C.P. 1987).)

27. PPL to TASC Set I, No. 34 states the following:

Explain whether any of TASC's members have reviewed TASC Statement No. 1 prior to it being submitted in PPL Electric's 2015 Base Rate Case on June 23, 2015. If so, provide the following:

(a) Name and address of each member; and

(b) Identify whether the member is a distribution customer of PPL Electric;

28. TASC's Objection to PPL to TASC Set I, No. 34 provides:

TASC will provide an answer, excluding information that is subject to its objection to this request pursuant to 52 Pa. Code § 5.342 to the extent it seeks the production of information that is protected by the attorney-client privilege and/or the work-product privilege.

TASC will provide an answer, excluding information that is subject to the objection, pursuant to 52 Pa. Code § 5.342 that the question in part seeks the production of information concerning TASC's members and contributors in violation of TASC's members right of association and right to privacy. See, *In re Smith*, 1987 Pa. Dist. & Cnty. Dec. LEXIS 43, *1-3, 50 Pa. D. & C.3d 591, 591-592 (Pa. C.P. 1987).)

29. PPL to TASC Set I, No. 35 provides:

Explain whether any of TASC's members have expressly agreed with the proposals and conclusions set forth in TASC Statement No. 1. If so, provide the following:

(a) Name and address of each member;

(b) Identify whether the member is a distribution customer of PPL Electric;

(c) Date that the member agreed with the proposals and conclusions; and

(d) Copy of any correspondence, e-mail, or other documents indicating that the TASC's member agreed with the proposals and conclusions.

30. TASC's Objection to PPL to TASC Set I, No. 35 reads as follows:

TASC objects to this request pursuant to 52 Pa. Code § 5.342 to the extent it seeks the production of information that is protected by the attorney-client privilege and/or the work-product privilege.

TASC will provide an answer, excluding information that is subject to the objection, pursuant to 52 Pa. Code § 5.342 that the question in part seeks the production of information concerning TASC's members and contributors in violation of TASC's

members right of association and right to privacy. See, *In re Smith*, 1987 Pa. Dist. & Cnty. Dec. LEXIS 43, *1-3, 50 Pa. D. & C.3d 591, 591-592 (Pa. C.P. 1987).)

31. Under 52 Pa. Code § 5.321(b), PPL Electric is entitled to obtain discovery of any matter not privileged that is relevant to a pending proceeding, or any matter that is reasonably calculated to lead to the discovery of admissible evidence. TASC objects to PPL to TASC Set I, Nos. 29, 34, and 35 to the extent that those questions seek information regarding TASC's members and contributors, citing their right of association and right to privacy.² However, TASC's objections lack merit.

32. In this case, TASC only has standing in this proceeding as a representative of its members.³ As a result, information concerning its members is especially relevant to this proceeding. PPL to TASC Set I, Nos. 29, 34, and 35 seek information regarding whether TASC's members in fact agree with the arguments and positions taken by TASC in TASC Statement No. 1, and whether any such members are customers of PPL Electric. This

² TASC also objects to the extent that these discovery requests seek information protected by attorney-client privilege and/or the work-product privilege. PPL Electric agrees that any information that meets the criteria for attorney-client or attorney work-product privilege is protected and not subject to disclosure. See *Chambersburg Area Sch. Dist. v. Dorsey*, 97 A.3d 1281 (Pa. Cmwlth. 2014) (The following four elements are required to establish the attorney-client privilege: (1) that the asserted holder of the privilege is or sought to become a client; (2) that the person to whom the communication was made is a member of the bar of a court, or his or her subordinate; (3) that the communication relates to a fact of which the attorney was informed by the client, without the presence of strangers, for the purpose of securing an opinion of law, legal services or assistance in a legal matter; and (4) that the claimed privilege has not been waived by the client); *Bagwell v. Pa. Dep't of Educ.*, 103 A.3d 409, 415 (Pa. Cmwlth. 2014) (citing Pa. R.C.P. No. 4003.3) (the work product doctrine provides that a party may obtain discovery of material prepared in anticipation of litigation or trial by a party's attorney, but discovery shall not include disclosure of the mental impressions of a party's attorney or his or her conclusions, opinions, memoranda, notes or summaries, legal research or legal theories.").

³ An association may have standing solely as a representative of its members. *Tripps Park v. Pa. PUC*, 415 A2d 967 (Pa. Cmwlth. 1980). However, to have representational standing before the Commission, the association must not only demonstrate an immediate direct and substantial interest or injury, it must also demonstrate either: (a) the representative will fairly and adequately represent those who have a sufficient interest, and that those entitled to complain are unable to adequately pursue their interests; or (b) there is a showing that the allowance of the representative's participation will aid the Commission in the development of facts necessary for a proper disposition of the proceedings. *Manufacturers Association of Erie v. The City of Erie-Bureau of Water*, Docket No. 20518, 50 Pa. PUC 43, 1976 Pa. PUC LEXIS 79 (1976).

information certainly is relevant given that TASC participation in this proceeding is based solely on representational standing of its members.

33. Further, PPL Electric has a right under the Commission’s discovery regulations to request to depose certain members of TASC as part of this discovery process. *See* 52 Pa. Code §§ 5.343-5.347. Therefore, PPL Electric would need the requested information to request any such depositions.

34. Importantly, to the extent that TASC has concerns about the release of the requested information to persons outside of this proceeding, it should be noted that PPL Electric and TASC have both executed a Stipulated Protective Agreement with TASC that would protect against the release of confidential information.

35. In addition, it is important to recall that TASC has already disclosed information about its members in its Amended Petition to Intervene. Specifically, TASC identified that its members include Demeter Power, SolarCity, Solar Universe, Sungevity, Sunrun, and Verengo. (TASC Amended Petition to Intervene, ¶ 1) TASC also detailed that SolarCity has an operations center located at 2562 Boulevard of the Generals, Norristown, PA that serves parts of PPL Electric’s service territory. (TASC Amended Petition to Intervene, ¶ 1a) PPL Electric merely requests additional information about the member organizations that comprise TASC.

36. Nevertheless, TASC argues that providing the requested information would violate its members’ rights to association and rights to privacy. TASC’s argument should be rejected. PPL Electric is not a federal or state governmental entity, and the right of association and right to privacy are protected against unreasonable intrusions by the government. *See, e.g., Gilmore v. Montgomery*, 417 U.S. 556, (1974) (noting that “[t]he Equal Protection Clause of the Fourteenth Amendment does not prohibit the ‘individual invasion of individual rights’”; rather, it

“proscribe[s] . . . state action ‘of every kind’ that operates to deny any citizen the equal protection of the laws.”) (emphasis added) (citation omitted).

37. Moreover, the case cited by TASC as supporting its right to assert a First Amendment privilege is distinguishable. TASC cites *In re Smith*, a decision by the Common Pleas Court of Chester County from 1987 to support its claim that information about its members are protected from discovery. TASC Objections, pp. 4-6; see *In re Smith*, 1987 Pa. Dist. & Cnty. Dec. LEXIS 43 (Pa. Ct. Common Pleas of Chester Cnty. 1987). *In re Smith* concerned a family law dispute between private litigants about whether a purported marriage was valid. *Id.* at *1. During a deposition, one party asked the plaintiff about “her political and religious beliefs,” and the plaintiff refused to answer. *Id.* (emphasis added). Here, PPL Electric has not inquired into the political or religious beliefs of TASC’s members. Therefore, this case is readily distinguishable from the present proceeding and should bear no consequence on a decision as to the privilege claimed by TASC.

38. Even if the privilege were applicable, PPL Electric notes that “[e]videntiary privileges in litigation are not favored, and even those rooted in the Constitution must give way in proper circumstances.” *Herbert v. Lando*, 441 U.S. 153, 175 (1979). Indeed, even the court in *In re Smith* actually found that the “relevance of the information sought about plaintiff’s own political and religious beliefs and activities outweighs her constitutional interests in the privacy of her thoughts.” *In re Smith*, 1987 Pa. Dist. & Cnty. Dec. LEXIS at *5-6. Thus, if the privilege claimed by TASC is found to be applicable, it is nevertheless outweighed by the relevance of the information to this proceeding; in particular where TASC’s standing in the proceeding is based solely on representational standing of its members.

39. Based on the foregoing, PPL Electric is entitled to obtain discovery of the requested information because PPL to TASC Set I, Nos. 29, 34, and 35 are reasonably calculated to lead to the discovery of admissible evidence.

WHEREFORE, PPL Electric respectfully requests that the ALJ grant its Motion to Dismiss Objections and Compel Responses to Discovery, and order TASC to answer fully PPL to TASC Set I, Nos. 29, 34, and 35.

III. CONCLUSION

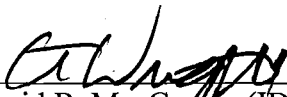
For the reasons set forth above, PPL Electric Utilities Corporation requests that Administrative Law Judge Susan D. Colwell grant this Motion to Dismiss Objections and Compel Responses to Discovery and direct TASC to answer fully TASC Set I, Nos. 3, 10, 29, 34, and 35, as described above within three (3) days from the date of the order.

Respectfully submitted,

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Attorneys for PPL Electric Utilities Corporation

APPENDIX A

Interrogatories and Requests for Production of Documents Propounded by PPL Electric Utilities Corporation on The Alliance for Solar Choice – Set I



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Re: Pennsylvania Public Utility Commission v. PPL Electric Utilities Corporation
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Dear Counsel:

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cc: Rosemary Chiavetta, Secretary (*Letter & Certificate of Service Only*)
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Environmental Defense Fund


VIA FIRST CLASS MAIL

Cathleen A. Woomert
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Millville, PA 17846

Michael B. Young
185 Constitution Avenue
Wilkes Barre, PA 18706-4152

Mr. D. Wintermeyer
1406 Carlisle Road
Camp Hill, PA 17011

Date: June 25, 2015



Christopher I. Wright

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	R-2015-2469275
	:	
PPL Electric Utilities Corporation	:	
	:	
Office of Consumer Advocate	:	C-2015-2475448
Office of Small Business Advocate	:	C-2015-2478277
PP&L Industrial Customer Alliance	:	C-2015-2480265
C. Wintermeyer	:	C-2015-2485827
Cathleen A. Woomert	:	C-2015-2485827
Michael B. Young	:	C-2015-2485860
	:	
v.	:	
	:	
PPL Electric Utilities Corporation	:	
	:	
Petition for a Waiver of the Distribution	:	P-2015-2474714
System Improvement Charge Cap of 5%	:	
of Billed Revenues	:	

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED
BY PPL ELECTRIC UTILITIES CORPORATION
ON THE ALLIANCE FOR SOLAR CHOICE – SET I**

Pursuant to 66 Pa.C.S. § 333 and 52 Pa. Code §§ 5.341 *et seq.*, PPL Electric Utilities Corporation (“PPL Electric”) propounds the following Interrogatories and Requests for Production of Documents (hereinafter, “discovery requests”) on the Alliance for Solar Choice (“TASC”) – Set I.

INSTRUCTIONS AND DEFINITIONS

1. The “Responding Party,” “you,” or “your” means the party to which these discovery requests are propounded and/or all attorneys, agents, affiliates, subsidiaries, employees, consultants, members, constituents, and representatives acting on behalf of the Responding Party.

2. “Commission” means the Pennsylvania Public Utility Commission.

3. To “identify” a natural person means to state that person’s full name, title or position, employer, last known address, and last known telephone number.

4. To “identify” a business entity means to state the full name of such business, the form of the business, and its location or address.

5. To “identify” a “document” means to provide all of the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:

- a. The title or other means of identification of each such document;
- b. The date of each such document;
- c. The author, preparer or signer of each such document; and
- d. A description of the subject matter of such document sufficient to permit an understanding of its contents and importance to the testimony or position being examined and the present or last known location of the document. The specific nature of the document should also be stated (*e.g.*, letter, business record, memorandum, computer print-out, etc.).

In lieu of “identifying” any document, it shall be deemed a sufficient compliance with these discovery requests to attach a copy of each such document to the answers hereto and reference said document in the particular interrogatory to which the document is responsive.

6. “Document” means the original and all drafts of all written and graphic matter, however produced or reproduced, of any kind or description, whether or not sent or received, and all copies thereof which are different in any way from the original (whether by

interlineation, date-stamp, notarization, indication of copies sent or received, or otherwise), including without limitation, any paper, book, account, photograph, blueprint, drawing, sketch, schematic, agreement, contract, memorandum, press release, circular, advertising material, correspondence, letter, telegram, telex, object, report, opinion, investigation, record, transcript, hearing, meeting, study, notation, working paper, summary, intra-office communication, diary, chart, minutes, index sheet, computer software, computer-generated records or files, however stored, check, check stub, delivery ticket, bill of lading, invoice, record or recording or summary of any telephone or other conversation, or of any interview or of any conference, or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter of which the Responding Party has or has had possession, custody or control, or of which the Responding Party has knowledge.

7. "Communication" means any manner or form of information or message transmission, however produced or reproduced, whether as a document as herein defined, or orally or otherwise, which is made, distributed, or circulated between or among persons, or data storage or processing units.

8. "Date" means the exact day, month, and year, if ascertainable, or if not, the best approximation thereof.

9. Items referred to in the singular include those in the plural, and items referred to in the plural include those in the singular.

10. Items referred to in the masculine include those in the feminine, and items referred to in the feminine include those in the masculine.

11. The answers provided to these discovery requests should first restate the question asked and identify the person(s) supplying the information.

12. In answering these discovery requests, the Responding Party is requested to furnish all information that is available to the Responding Party, including information in the possession of the Responding Party's attorneys, agents, consultants, or investigators, and not merely such information of the Responding Party's own knowledge. If any of the discovery requests cannot be answered in full after exercising due diligence to secure the requested information, please so state and answer to the extent possible, specifying the Responding Party's inability to answer the remainder, and stating whatever information the Responding Party has concerning the unanswered portions. If the Responding Party's answer is qualified in any particular, please set forth the details of such qualification.

13. If the Responding Party objects to providing any document requested on any ground, identify such document by describing it as set forth in Instruction 5 and state the basis of the objection.

14. If the Responding Party objects to part of a discovery request and refuses to answer that part, state the Responding Party's objection and answer the remaining portion of that discovery request. If the Responding Party objects to the scope or time period of a discovery request and refuses to answer for that scope or time period, state the Responding Party's objection and answer the discovery request for the scope or time period that the Responding Party believes is appropriate.

15. If, in connection with a discovery request, the Responding Party contends that any information, otherwise subject to discovery, is covered by either the attorney-client privilege, the so-called "attorneys' work product doctrine," or any other privilege or doctrine, then specify the general subject matter of the information and the basis to support each such objection.

16. If any information is withheld on grounds of privilege or other protection from disclosure, provide the following information: (a) every person to whom such information has been communicated and from whom such information was learned; (b) the nature and subject matter of the information; and (c) the basis on which the privilege or other protection from disclosure is claimed.

17. As set forth in 52 Pa. Code § 5.342(g), these discovery requests are continuing and the Responding Party is obliged to change, supplement, and correct all answers given to conform to new or changing information.

18. “2015 Base Rate Case” means the filing and all supporting data and testimony filed by PPL Electric on March 31, 2015, at Docket No. R-2015-2469275.

19. The “DSCI Petition” means the Petition filed by PPL Electric on March 31, 2015, at Docket No. P-2015-2474714 requesting (i) waiver of the Distribution System Improvement Charge (“DSIC”) cap of 5% of billed revenues and (ii) approval to increase the maximum allowable DSIC cap from 5% to 7.5% of billed revenue for service rendered on or after January 1, 2016.

**INTERROGATORIES, REQUESTS FOR PRODUCTION OF
DOCUMENTS AND REQUESTS FOR ADMISSION
ON TASC-SET I**

PPL to TASC-I-1

See the exhibits attached to TASC Statement No. 1. Please provide electronic copies of all exhibits in their native formats (*i.e.*, Microsoft Excel, Lotus 1-2-3, etc.) with all formulas intact.

PPL to TASC-I-2

To the extent not provided elsewhere in response to these data requests, please provide copies of the complete workpapers, support documentation, electronic files (including all calculation and formulae intact), and electronic versions of any spreadsheets that Mr. Gabel prepared or relied upon in connection with his/her evaluation of PPL Electric's 2015 Base Rate Case filing and DSIC Petition.

PPL to TASC-I-3

Please identify whether TASC, or any of its predecessor organizations and/or associated entities, has in the last five years filed testimony, comments, or provided any expert reports related to public utility rates, rate design, cost of service studies, revenue allocation, or fixed utility customer charges in any proceeding, other than this case. If so, please identify, describe, and provide the following:

- (a) Identify the relevant agency, court, case name, and case number in which TASC, any of its predecessor organizations and/or associated entities filed testimony, comments or provided expert reports;
- (b) Describe the nature and content of all such reports, comments, or testimony filed by TASC, any of its predecessor organizations and/or associated entities;
- (c) Provide a copy of all such reports, comments, or testimony filed by TASC, any of its predecessor organizations and/or associated entities; and
- (d) Provide each document supplied to, reviewed by, relied on, or prepared by or on behalf of TASC, any of its predecessor organizations and/or associated entities in connection with the reports, comments, or testimony.

PPL to TASC-I-4

Identify and provide all studies or analyses on which Mr. Gabel based any portion of his/her testimony.

PPL to TASC-I-5

Identify whether Mr. Gabel has experience with or been involved in Pennsylvania public utility rates, rate design, cost of service studies, revenue allocation, or fixed utility customer charges provided by public utilities. If so, please identify, describe, and provide the following:

- (a) The name of the public utility;
- (b) A detailed explanation of the nature of Mr. Gabel's experience or involvement in to public utility rates, rate design, cost of service studies, revenue allocation, or fixed utility customer charges provided by public utilities.

PPL to TASC-I-6

Identify whether the testimony set forth in TASC Statement No. 1 was prepared solely by Mr. Gabel. To the extent that any other individual facilitated in the preparation of the testimony, provide the following:

- (a) The name and current address of each individual;
- (b) The title and place of employment of each individual;
- (c) Provide all analyses, documents, workpapers, and e-mails relied upon by each individual; and
- (d) A description of each individual's involvement in the preparation of the testimony.

PPL to TASC-I-7

Provide all documents and workpapers, including e-mails, used to support the proposals and conclusions set forth in the testimony of Mr. Gabel.

PPL to TASC-I-8

Please provide all studies, analyses, workpapers, memoranda, or other documents supporting Mr. Gabel's calculation of the residential customer costs of \$11.59.

PPL to TASC-I-9

Please provide all studies, analyses, workpapers, memoranda, or other documents prepared by or for TASC relating to the customer impacts of PPL Electric's proposed residential rate design.

PPL to TASC-I-10

Please provide all information that TASC has in its possession, including but not limited to survey and focus group research, analysis conducted by other utilities, and internal memoranda or studies regarding increases of fixed residential customer utility charges.

PPL to TASC-I-11

Please provide all materials TASC has in its possession that it has prepared in order to provide information to its members regarding PPL Electric's residential and small commercial and industrial rate design. If no final materials are in its possession, please provide all draft materials on this subject.

PPL to TASC-I-12

Please provide any studies in TASC's possession regarding levels of residential customer charges (or any fixed monthly charge) of electric utilities in the United States and Canada. Please identify any other studies on this topic of which TASC is aware but that are not in its possession.

PPL to TASC-I-13

Please provide all studies, analyses, workpapers, memoranda, or other documents prepared by or for TASC relating to the impact of an increase in residential customer charges on the future demand for electricity. Include any information regarding the elasticity of demand.

PPL to TASC-I-14

Please provide all studies, analyses, workpapers, memoranda or other documents prepared by or for TASC relating to the impact of an increase in residential customer charges on customers' decisions to make investments to improve the efficiency of energy usage.

PPL to TASC-I-15

Please provide all studies, analyses, workpapers, memoranda or other documents prepared by or for TASC relating to the impact of an increase in residential customer charges on investments by customers to install their own energy generation projects, including but not limited to solar energy.

PPL to TASC-I-16

Please provide all studies, analyses, workpapers, memoranda, or other documents prepared by or for TASC relating to the impact of an increase in residential customer charges on consumer choice between electricity and gas for space heating, water heating, cooking, and clothes drying.

PPL to TASC-I-17

Re. TASC Statement No. 1, p. 17, ln. 23-24. Please provide all studies, analyses, workpapers, memoranda, or other documents supporting Mr. Gabel's statement that it is "more common (in both utility and non-utility settings) for fixed costs to be recovered in usage based charges."

PPL to TASC-I-18

Re. TASC Statement No. 1, p. 17, ln. 23-24. Please explain how the statement that it is "more common (in both utility and non-utility settings) for fixed costs to be recovered in usage based charges" is consistent with the cost-causation principles established in *Lloyd v. Pa. PUC*, 904 A.2d 1010 (Pa. Cmwlth. 2006).

PPL to TASC-I-19

Identify whether Mr. Gabel has undertaken any analysis of the effects of his interconnection and storage development proposals on other customers. If so, provide the following:

- (a) The nature of the analysis;
- (b) All documents, workpapers, and e-mails supporting the analysis; and
- (c) The results of the analysis.

PPL to TASC-I-20

Has Mr. Gabel undertaken any analysis as to the costs of his interconnection and storage development proposals? If yes,

- (a) Explain the nature of the analysis;
- (b) Provide all documents, workpapers, and e-mails supporting the analysis;
- (c) Provide the results of this analysis.

PPL to TASC-I-21

Has Mr. Gabel undertaken any analysis as to the costs of his proposal that PPL should provide detailed service territory maps? If yes,

- (a) Explain the nature of the analysis;
- (b) Provide all documents, workpapers, and e-mails supporting the analysis;
- (c) Provide the results of this analysis.

PPL to TASC-I-22

Re. TASC Statement No. 1, p. 23, ln. 27-28. Please provide all studies, analyses, workpapers, memoranda, or other documents supporting Mr. Gabel's statement that "the addition of storage carries benefits to the grid such as peak demand reduction . . . and frequency regulation."

PPL to TASC-I-23

Re. TASC Statement No. 1, p. 27, ln. 25-28. Is it Mr. Gabel's position that any rate relief granted in this proceeding should be used to improve distribution services for on-site renewable energy interconnection and storage development rather than to accelerate capital investment to maintain and improve system reliability for all customers? Please explain.

PPL to TASC-I-24

Re. TASC Statement No. 1, p. 8, ln. 18-19. Does Mr. Gabel agree that the June 2014 Environmental Protection Agency rule under Section 111(d) of the Clean Air Act is a proposed rule and has not been adopted?

PPL to TASC-I-25

Re. TASC Statement No. 1, p. 8, ln. 18-19. Does Mr. Gabel agree that the impetus of the Environmental Protection Agency proposed rule under Section 111(d) of the Clean Air Act is aimed at emission targets from generation sources?

PPL to TASC-I-26

Re. TASC Statement No. 1, p. 8, ln. 18-19. Please explain in detail what provisions, if any, of the Environmental Protection Agency proposed rule under Section 111(d) of the Clean Air Act are related to utility distribution base rate design in a deregulated market.

PPL to TASC-I-27

See TASC Exhibit SG-3.

- (a) Provide copies of the complete workpapers, support documentation, electronic files (including all calculation and formulae intact), and electronic versions of any spreadsheets that Mr. Gabel prepared or relied upon in preparing Exhibit SG-3.
- (b) Identify and explain the basis for all assumptions used in Exhibit SG-3.

PPL to TASC-I-28

Re. TASC Statement No. 1, p. 11, ln.-32-33.

- (a) Does Mr. Gabel agree that of the estimated \$12.1 billion of benefits he projects over a 20-year period, over 83% of these benefits are construction/job related?
- (b) Does Mr. Gabel agree that of the estimate \$12.1 billion of benefits he projects over a 20-year period, only 16% of these benefits are related to consumer savings?
- (c) Has Mr. Gabel undertaken any study, analysis, or quantification of the revenues or profits that would be received by solar developers under his 20-year estimate? If so, please provide. If not, explain why no such analysis has been completed.

PPL to TASC-I-29

Please identify the total number of TASC's members.

PPL to TASC-I-30

Please identify the total number of TASC's members that are located within PPL Electric's service territory.

PPL to TASC-I-31

Provide all communications from TASC to any of its members regarding PPL Electric's 2015 Base Rate Case.

PPL to TASC-I-32

Provide all communications from any of TASC's members to TASC regarding PPL Electric's 2015 Base Rate Case.

PPL to TASC-I-33

Explain whether any of TASC's members have expressly authorized TASC to intervene in PPL Electric's 2015 Base Rate Case. If so, provide the names of such members and provide copies of any such authorization.

PPL to TASC-I-34

Explain whether any of TASC's members have reviewed TASC Statement No. 1 prior to it being submitted in PPL Electric's 2015 Base Rate Case on June 23, 2015. If so, provide the following:

- (a) Name and address of each member; and
- (b) Identify whether the member is a distribution customer of PPL Electric;

PPL to TASC-I-35

Explain whether any of TASC's members have expressly agreed with the proposals and conclusions set forth in TASC Statement No. 1. If so, provide the following:

- (a) Name and address of each member;
- (b) Identify whether the member is a distribution customer of PPL Electric;
- (c) Date that the member agreed with the proposals and conclusions; and
- (d) Copy of any correspondence, e-mail, or other documents indicating that the TASC's member agreed with the proposals and conclusions.

APPENDIX B

TASC Objections to Interrogatories, Requests for Production of Documents, and Requests for Admission Propounded by PPL Electric Utilities Corporation on TASC – Set I

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission)	
v.)	Docket No. 2015-2468981
PECO Electric Utilities Corporation)	

**TASC OBJECTIONS TO
INTERROGATORIES, REQUESTS FOR PRODUCTION OF
DOCUMENTS AND REQUESTS FOR ADMISSION
ON TASC-SET I**

PPL to TASC-I-3

Please identify whether TASC, or any of its predecessor organizations and/or associated entities, has in the last five years filed testimony, comments, or provided any expert reports related to public utility rates, rate design, cost of service studies, revenue allocation, or fixed utility customer charges in any proceeding, other than this case. If so, please identify, describe, and provide the following:

- (a) Identify the relevant agency, court, case name, and case number in which TASC, any of its predecessor organizations and/or associated entities filed testimony, comments or provided expert reports;
- (b) Describe the nature and content of all such reports, comments, or testimony filed by TASC, any of its predecessor organizations and/or associated entities;
- (c) Provide a copy of all such reports, comments, or testimony filed by TASC, any of its predecessor organizations and/or associated entities; and
- (d) Provide each document supplied to, reviewed by, relied on, or prepared by or on behalf of TASC, any of its predecessor organizations and/or associated entities in connection with the reports, comments, or testimony.

OBJECTION:

TASC can provide a list of proceedings and docket numbers which TASC has participated in regard to rate design, increased customer charges and cost of service studies. Filings in those proceedings will be available at websites associated with those dockets.

TASC objects to part (d) of the question as over broad and burdensome. It would not be possible provide each document supplied to, reviewed by, relied on, or prepared by or on behalf of TASC, in connection with the reports, comments, or testimony. These documents were prepared by many different expert witnesses and TASC does have it its possession such a collection of documents.

PPL to TASC-I-9

Please provide all studies, analyses, workpapers, memoranda, or other documents prepared by or for TASC relating to the customer impacts of PPI, Electric's proposed residential rate design.

OBJECTION:

TASC will provide an answer, excluding information that is subject to its objection to this request pursuant to 52 Pa. Code § 5.342 to the extent it seeks the production of “studies, analyses, workpapers, memoranda, or other documents prepared by or for TASC relating to the customer impacts of PPI, Electric's proposed residential rate design” that are protected by the attorney-client privilege and/or the work-product privilege.

PPL to TASC-1-10

Please provide all information that TASC has in its possession, including but not limited to survey and focus group research, analysis conducted by other utilities, and internal memoranda or studies regarding increases of fixed residential customer utility charges.

OBJECTION:

TASC understands this question to refer to consumer attitudes toward increases in fixed charges. TASC will provide an answer, excluding information that is subject to its objection to this request pursuant to 52 Pa. Code § 5.342 to the extent it seeks the production of “studies, analyses, workpapers, memoranda, or other documents prepared by or for TASC relating to the customer impacts of PPI, Electric's proposed residential rate design” that are protected by the attorney-client privilege and/or the work-product privilege.

Furthermore, TASC objects to this request because it is overly broad and unduly burdensome in that it asks TASC to “provide all information that TASC has in its possession, including but not limited to survey and focus group research, analysis conducted by other utilities, and internal memoranda or studies regarding increases of fixed residential customer utility charges.” There is a large body of work on this subject including decisions from utility commissions across the country, testimony provided by utilities in other jurisdictions, and research papers and memorandum from many sources. Any documents that Mr. Gabel relied on in formulating his testimony will be provided in response to questions 1-7,1-8, and 1-9.

PPL to TASC-I-11

Please provide all materials TASC has in its possession that it has prepared in order to provide information to its members regarding PPL Electric's residential and small commercial and industrial rate design. If no final materials are in its possession, please provide all draft materials on this subject.

OBJECTION:

TASC will provide an answer, excluding information that is subject to its objection to this request pursuant to 52 Pa. Code § 5.342 to the extent it seeks the production of “studies, analyses, workpapers, memoranda, or other documents prepared by or for TASC relating to the customer impacts of PPI, Electric's proposed residential rate design” that are protected by the attorney-client privilege and/or the work-product privilege.

PPL to TASC-I-12

Please provide any studies in TASC's possession regarding levels of residential customer charges (or any fixed monthly charge) of electric utilities in the United States and Canada. Please identify any other studies on this topic of which TASC is aware but that are not in its possession.

OBJECTION:

TASC will provide an answer, excluding information that is subject to its objection to this request pursuant to 52 Pa. Code § 5.342 to the extent it seeks the production of “studies, analyses, workpapers, memoranda, or other documents prepared by or for TASC relating to the customer impacts of PPI, Electric's proposed residential rate design” that are protected by the attorney-client privilege and/or the work-product privilege.

PPL to TASC-I-13

Please provide all studies, analyses, workpapers, memoranda, or other documents prepared by or for TASC relating to the impact of an increase in residential customer charges on the future demand for electricity. Include any information regarding the elasticity of demand.

OBJECTION:

TASC will provide an answer, excluding information that is subject to its objection to this request pursuant to 52 Pa. Code § 5.342 to the extent it seeks the production of “studies, analyses, workpapers, memoranda, or other documents prepared by or for TASC relating to the customer impacts of PPI, Electric's proposed residential rate design” that are protected by the attorney-client privilege and/or the work-product privilege.

PPL to TASC-I-14

Please provide all studies, analyses, workpapers, memoranda or other documents prepared by or for TASC relating to the impact of an increase in residential customer charges on customers' decisions to make investments to improve the efficiency of energy usage.

OBJECTION:

TASC will provide an answer, excluding information that is subject to its objection to this request pursuant to 52 Pa. Code § 5.342 to the extent it seeks the production of “studies, analyses, workpapers, memoranda, or other documents prepared by or for TASC relating to the customer impacts of PPI, Electric's proposed residential rate design” that are protected by the attorney-client privilege and/or the work-product privilege.

PPL to TASC-I-15

Please provide all studies, analyses, workpapers, memoranda or other documents prepared by or for TASC relating to the impact of an increase in residential

customer charges on investments by customers to install their own energy generation projects, including but not limited to solar energy.

OBJECTION:

TASC will provide an answer, excluding information that is subject to its objection to this request pursuant to 52 Pa. Code § 5.342 to the extent it seeks the production of “studies, analyses, workpapers, memoranda, or other documents prepared by or for TASC relating to the customer impacts of PPI, Electric's proposed residential rate design” that are protected by the attorney-client privilege and/or the work-product privilege.

PPL to TASC-I-16

Please provide all studies, analyses, workpapers, memoranda, or other documents prepared by or for TASC relating to the impact of an increase in residential customer charges on consumer choice between electricity and gas for space heating, water heating, cooking, and clothes drying.

OBJECTION:

TASC will provide an answer, excluding information that is subject to its objection to this request pursuant to 52 Pa. Code § 5.342 to the extent it seeks the production of “studies, analyses, workpapers, memoranda, or other documents prepared by or for TASC relating to the customer impacts of PPI, Electric's proposed residential rate design” that are protected by the attorney-client privilege and/or the work-product privilege.

PPL to TASC-1-29

Please identify the total number of TASC's members.

Objection:

TASC will provide an answer, excluding information that is subject to the objection, pursuant to 52 Pa. Code § 5.342 that it seeks the production of information concerning TASC's members and contributors in violation of TASC's members right of association and right to privacy. See, *In re Smith*, 1987 Pa. Dist. & Cnty. Dec. LEXIS 43, *1-3, 50 Pa. D. & C.3d 591, 591-592 (Pa. C.P. 1987).)

PPT. to TASC-I-31

Provide all communications from TASC to any of its members regarding PPL Electric's 2015 Base Rate Case.

OBJECTION:

TASC will provide an answer, excluding information that is subject to its objection to this request pursuant to 52 Pa. Code § 5.342 to the extent it seeks the production of “studies, analyses, workpapers, memoranda, or other documents prepared by or for TASC relating to the customer impacts of PPI, Electric's proposed residential rate design” that are protected by the attorney-client privilege and/or the work-product privilege.

PPL to TASC-I-32

Provide all communications from any of TASCs members to TASC regarding PPL Electric's 2015 Base Rate Case.

OBJECTION:

TASC will provide an answer, excluding information that is, subject to its objection to this request pursuant to 52 Pa. Code § 5.342 to the extent it seeks the production of “studies, analyses, workpapers, memoranda, or other documents prepared by or for TASC relating to the customer impacts of PPI, Electric's proposed residential rate design” that are protected by the attorney-client privilege and/or the work-product privilege.

PPL to TASC-I-33

Explain whether any of TASC's members have expressly authorized TASC to intervene in PPL Electric's 2015 Base Rate Case. If so, provide the names of such members and provide copies of any such authorization.

OBJECTION:

TASC will provide an answer, excluding information that is subject to its objection to this request pursuant to 52 Pa. Code § 5.342 to the extent it seeks the production of “copies of any such authorization” that are protected by the attorney-client privilege and/or the work-product privilege.

PPL to TASC-I-34

Explain whether any of TASC's members have reviewed TASC Statement No. 1 prior to it being submitted in PPL Electric's 2015 Base Rate Case on June 23, 2015. If so, provide the following:

- (a) Name and address of each member; and
- (b) Identify whether the member is a distribution customer of PPL Electric;

OBJECTION:

TASC will provide an answer, excluding information that is subject to its objection to this request pursuant to 52 Pa. Code § 5.342 to the extent it seeks the production of information that is protected by the attorney-client privilege and/or the work-product privilege.

TASC will provide an answer, excluding information that is subject to the objection, pursuant to 52 Pa. Code § 5.342 that the question in part seeks the production of information concerning TASC’s members and contributors in violation of TASC’s members right of association and right to privacy. See, *In re Smith*, 1987 Pa. Dist. & Cnty. Dec. LEXIS 43, *1-3, 50 Pa. D. & C.3d 591, 591-592 (Pa. C.P. 1987).)

PPL to TASC-I-35

Explain whether any of TASC's members have expressly agreed with the proposals and conclusions set forth in TASC Statement No. 1. If so, provide the following:

- (a) Name and address of each member;
- (b) Identify whether the member is a distribution customer of PPL Electric;
- (c) Date that the member agreed with the proposals and conclusions; and
- (d) Copy of any correspondence, e-mail, or other documents indicating that the TASC's member agreed with the proposals and conclusions.

OBJECTION:

TASC objects to this request pursuant to 52 Pa. Code § 5.342 to the extent it seeks the production of information that is protected by the attorney-client privilege and/or the work-product privilege.

TASC will provide an answer, excluding information that is subject to the objection, pursuant to 52 Pa. Code § 5.342 that the question in part seeks the production of information concerning TASC's members and contributors in violation of TASC's members right of association and right to privacy. See, *In re Smith*, 1987 Pa. Dist. & Cnty. Dec. LEXIS 43, *1-3, 50 Pa. D. & C.3d 591, 591-592 (Pa. C.P. 1987).)