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File #: 161574

July 6, 2015

***VIA ELECTRONIC FILING***

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 PP&L Industrial Customer Alliance – 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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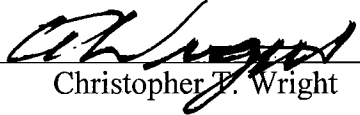
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Date: July 6, 2015

  
\_\_\_\_\_  
Christopher T. Wright

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission           :  
   :  
                  v.   :  
   :  
PPL Electric Utilities Corporation                 :  
   :  
   :  
   :

Docket No. R-2015-2469275


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**NOTICE TO PLEAD**

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YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.342(g)(1) AND AMENDED SCHEDULING ORDER ISSUED ON MAY 7, 2015, YOU MAY FILE A REPLY TO THE ENCLOSED MOTION TO COMPEL WITHIN THREE (3) DAYS AFTER THE DATE OF SERVICE. YOUR REPLY SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR REPLY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

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Date: July 6, 2015

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**MOTION OF PPL ELECTRIC UTILITIES CORPORATION  
TO DISMISS OBJECTIONS AND COMPEL RESPONSES TO DISCOVERY  
PROPOUNDED ON PP&L INDUSTRIAL CUSTOMER ALLIANCE – SET I**

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TO ADMINISTRATIVE LAW JUDGE SUSAN D. COLWELL:

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby files this Motion to Dismiss Objections and Compel Responses to Discovery Propounded on the PP&L Industrial Customer Alliance (“PPLICA”) Set I, pursuant to 52 Pa. Code §§ 5.342(g) and 5.350(e) and the Amended Scheduling Order issued on May 7, 2015. For the reasons explained below, PPL Electric respectfully requests that the Honorable Administrative Law Judge Susan D. Colwell (“ALJ”) grant this Motion and order PPLICA to answer fully PPLICA Set I, No. 14 within three (3) days from the date of the order. In support of this Motion, PPL Electric states as follows:

**I.     INTRODUCTION**

1.     On June 26, 2015, PPL Electric served Interrogatories and Requests for Production of Documents Propounded on PPLICA Set I (“PPL to PPLICA Set I”). A true and correct copy of PPL to PPLICA Set I is attached hereto and marked as **Appendix A**.

2. On June 30, 2015, counsel for PPLICA contacted counsel for PPL Electric to orally object to certain interrogatories in PPL to PPLICA Set I.<sup>1</sup>

3. On July, 1, 2015, counsel for PPL Electric contacted PPLICA in an effort to resolve the objections without the need for formal motions. Although PPL Electric and PPLICA were able to resolve some of the objections, they were unable to resolve PPLICA's objections to PPL to PPLICA, Set I, No. 14.

4. On July 2, 2015, PPLICA served its objections to PPL to PPLICA Set I.<sup>2</sup> A true and correct copy of TASC's objections to PPL to PPLICA Set I is attached hereto and marked as **Appendix B**.

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").

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<sup>1</sup> 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.*, PPLICA's oral objections were due on or before June 29, 2015.

<sup>2</sup> Pursuant to the Amended Scheduling Order issued on May 7, 2015, written objections are to be served communicated orally within five (5) calendar days of service of the interrogatories, *i.e.*, PPLICA written objections were due on or before July 1, 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 PPLICA to answer fully PPL to PPLICA Set I, No. 14 as described below.

## **II. ARGUMENT**

### **A. PPLICA'S OBJECTIONS ARE UNTIMELY**

9. As explained above, PPL Electric served PPL to PPLICA Set 1 on June 26, 2015. PPL to PPLICA Set 1 was served electronically before noon on June 26<sup>th</sup>. A true and correct copy of the electronic correspondence serving PPL to PPLICA set 1 is attached here to as **Appendix C**.

10. The Amended Scheduling Order issued on May 7, 2015, among other things, modified the Commission's discovery regulations. Pertinent to this Motion, the Amended Scheduling Order provides as follows:

8. That the Commission's regulations regarding discovery at 52 Pa. Code § 5.342 are modified as follows:

a. Answers to written interrogatories shall be served in-hand within ten (10) calendar days of service. Discovery and discovery-related pleadings propounded after 12:00 noon on a Friday or after 12:00 noon on any business day immediately preceding a state holiday will be deemed served on the next business day for purposes of determining the due date of the responses and responsive pleadings.

b. Objections to interrogatories shall be communicated orally within three (3) calendar days of service of the interrogatories; unresolved objections shall be served to the ALJ in writing within five (5) days of service of the interrogatories. Objections to interrogatories served on a Friday shall be communicated orally within four (4) calendar days, and unresolved objections shall be served to the ALJ in writing within six (6) days of service of the interrogatories.



11. Under the modified discovery rules, PPLICA's oral objections were due on or before June 29, 2015. However, counsel for PPLICA did not contact counsel for PPL Electric regarding oral objections until July 1, 2015.

12. Under the modified discovery rules, PPLICA's written objections were due on or before July 1, 2015. However, PPLICA did not serve its written objections until July 2, 2015.

13. Based on the foregoing, PPLICA's oral and written objections to PPL to PPLICA Set No. 1 were untimely and failed to comply with the Amended Scheduling Order issued on May 7, 2015.

WHEREFORE, PPL Electric respectfully requests that the ALJ grant its Motion to Dismiss Objections and Compel Responses to Discovery, and order PPLICA to answer fully PPL to PPLICA Set I as described above.

**B. PPLICA'S OBJECTION TO PPL TO PPLICA SET I, NO. 14 IS WITHOUT MERIT**

14. PPL to PPLICA Set I, No. 14 provides:

Please describe any equipment failures of Amtrak equipment at Conestoga, including the P4 transformer and associated equipment. In your description, please also include:

- (a) The reason for the failure;
- (b) The date of the failure;
- (c) The status of the failed equipment today; and
- (d) If and when the failed equipment will be returned to service.

15. PPLICA's Objection to PPL to PPLICA, Set I, No. 14 reads as follows:

A party may not ask interrogatories that would cause unreasonable burden or expense or "[w]ould require the making of an unreasonable investigation by the deponent, a party or witness." 52 Pa. Code §§ 5.361(a)(2), (4). PPLICA objects to this interrogatory on the grounds that it would require an investigation into the historical maintenance records for a facility

that has been in continued operation since the 1930s. Accordingly, locating and reviewing maintenance records covering such a broad period of time would unreasonably burden Amtrak, require Amtrak to incur unreasonable expenses, and constitute an unreasonable investigation.

Notwithstanding the above Objection, PPLICA will provide information regarding any equipment failures at the Conestoga Substation occurring within the past 5 years.

16. 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.

17. The information sought in PPL to PPLICA Set I, No. 14 relates directly to the issues PPLICA has raised in this case. In PPLICA Statement No. 1, PPLICA states:

I am not convinced that PPL has fully explored the available options of completing any necessary upgrades to the Conestoga Substation. I think both sides agree that investments must be made to upgrade existing equipment at the substation. However, . . . I find PPL's proposal to complete the Conestoga Substation upgrades by December 2016 to be speculative and premature due to the unknown scope of investment and implementation schedule.

(PPLICA Statement No. 1, pp.1 5-6) In PPLICA Statement No. 2, PPLICA states:

Given the age and general condition of the equipment in the substation, and the difficulty in finding spare parts, along with the fact that the existing transformers are leaking nitrogen gas and oil, the substation is in need of upgrading to today's standards, much as we have done to similar facilities elsewhere on the network.

\* \* \*

Given that Amtrak and its commuter partners are the sole end users of the 25 Hz power provided by the substation and the uniqueness of this substation on the PPL Electric system and PPL's general lack of experience this type of installation, I believe Amtrak should have the final authority in making decisions related to design, equipment, construction and schedule of the proposed upgrades.

(PPLICA Statement No. 2, pp. 5-6)

18. PPLICA's direct testimony contests the scope, design, timing, and costs of PPL Electric's proposal to upgrade the aging equipment at the Conestoga Substation. The information requested in PPL to PPLICA Set I, No. 14 is directly relevant to the statements and positions articulated in PPLICA's direct testimony.

19. PPLICA, however, contends that the requested information is unreasonably burdensome and, as an alternative, proposes to limit the information provided to the last five years. PPL to PPLICA Set I, No. 14 is not seeking information for all equipment failures on Amtrak's system but, rather, is limited solely to the Conestoga Substation. Further, PPL to PPLICA Set I, No. 14 does not ask PPLICA to track down and provide copies of "historical maintenance records." Rather, PPLICA Set I, No. 14 reasonably requests that PPLICA provide a description of equipment failures and repairs at the Conestoga Substation.

20. Limiting the scope of PPL to PPLICA Set I, No. 14 to five years as proposed by Amtrak is not sufficient. The need to upgrade the Conestoga Substation did not necessarily arise solely in the last five years. Substation equipment typically has useful lives that well exceed five years. The maintenance and repair history of over the life of these facilities is directly related to the scope, design, timing, and costs of the project challenged by PPLICA.

21. PPLICA states that the Conestoga Substation needs to be upgraded as a result of the "age and general condition of the equipment in the substation, and the difficulty in finding spare parts, along with the fact that the existing transformers are leaking nitrogen gas and oil." (PPLICA Statement No. 2, p. 5) The prior equipment failures and repairs, if any, may be directly attributable to the present day condition of the equipment and the overall need to upgrade the Conestoga Substation. For these reasons, PPL Electric submits that the entire history of the equipment at the Conestoga Substation is relevant and germane to this proceeding.

22. Based on the foregoing, PPL Electric respectfully submits that it is entitled to obtain discovery of these information and materials requested in PPL to PPLICA Set I, No. 14, 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 PPLICA to answer fully PPL to PPLICA Set I, No. 14 as described above.

### 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 PPLICA to answer fully PPL to PPLICA Set I, No.14, 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 PP&L Industrial Customer Alliance – Set I**



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File #: 161074

June 26, 2015

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P.O. Box 1166  
Harrisburg, PA 17108-1166

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

Dear Counsel:

Enclosed please find the Interrogatories and Requests for Production of Documents Propounded by PPL Electric Utilities Corporation on PP&L Industrial Customer Alliance – Set I, in the above-referenced proceeding.

Copies will be provided as indicated on the Certificate of Service.

Sincerely,

A handwritten signature in black ink, appearing to read "C. T. Wright".

Christopher T. Wright

CTW/jl  
Enclosures

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

**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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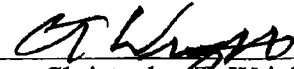
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Mr. D. Wintermeyer  
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Date: June 26, 2015



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Christopher T. 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	:	

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**INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS PROPOUNDED  
BY PPL ELECTRIC UTILITIES CORPORATION  
ON PP&L INDUSTRIAL CUSTOMER ALLIANCE- SET I**

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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 PP&L Industrial Customer Alliance (“PPLICA”) – 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 PPLICA-SET I**

PPL to PPLICA-I-1

Please provide any analysis performed describing the impacts of a total loss of the Conestoga Substation.

PPL to PPLICA-I-2

Please provide any analysis performed describing the impacts of a partial loss of the Conestoga Substation.

PPL to PPLICA-I-3

Please provide copies of any communications with PPL regarding outage constraints at Conestoga.

PPL to PPLICA-I-4

Please provide copies of any communications to PPL objecting to the Conestoga Substation project schedule.

PPL to PPLICA-I-5

Please provide copies of any communications to PPL expressing concerns with PPL's selection of materials proposed at Conestoga.

PPL to PPLICA-I-6

Please provide copies of any communications to PPL expressing concerns with PPL's selection of contractors, including Gannett Fleming.

PPL to PPLICA-I-7

Please provide copies of any internal communications, presentations or memos discussing the Conestoga Substation upgrade project.

PPL to PPLICA-I-8

In the last 5 years, has Amtrak performed any upgrades similar to those proposed for the Conestoga Substation, or upgrades using similar equipment? If so, please provide cost estimates, schedules, and reason for the upgrades.

PPL to PPLICA-I-9

Please provide copies of any material status reports, test analyses, and any maintenance performed on the 2 Metuchen transformers.

PPL to PPLICA-I-10

Please provide copies of any formal contracts or offers to PPL regarding the transfer of the Metuchen transformers.

PPL to PPLICA-I-11

Re. PPLICA Statement No. 1, p. 5. Please provide copies of any analysis performed that identifies disruptions to Amtrak's system caused by the 2016 completion of upgrades at Conestoga.

PPL to PPLICA-I-12

Please provide copies of any documents discussing the sale of Conestoga to Amtrak.

PPL to PPLICA-I-13

Please explain in detail why the Conestoga was not sold or transferred to Amtrak.



PPL to PPLICA-I-14

Please describe any equipment failures of Amtrak equipment at Conestoga, including the P4 transformer and associated equipment. In your description, please also include:

- (a) The reason the for the failure;
- (b) The date the of the failure;
- (c) The status of the failed equipment today; and
- (d) If and when the failed equipment will be returned to service.

PPL to PPLICA-I-15

Please provide any analyses, studies, or reports describing the impact to Amtrak operations if 1 or 2 additional transformer bays failed and remained out of service for similar durations.

PPL to PPLICA-I-16

Please describe the failure mode of Amtrak's P4 transformer.

PPL to PPLICA-I-17

Please describe the material condition of equipment in the Conestoga substation.

PPL to PPLICA-I-18

Please provide any analyses, studies, or reports describing safety concerns with degraded equipment at Conestoga.

## **APPENDIX B**

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



JUL 06 2015

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July 2, 2015

Honorable Susan D. Colwell  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor West  
Harrisburg, PA 17105-3265

VIA E-MAIL AND FIRST CLASS MAIL

**RE: Pennsylvania Public Utility Commission v. PPL Electric Utilities Corporation;  
Docket Nos. R-2015-2469275**

Dear Judge Colwell:

Enclosed please find the PP&L Industrial Customer Alliance Objections to PPL Electric Utilities Corporation Interrogatories, Set I.

As evidenced by the attached Certificate of Service, all parties to the proceeding are being served with copies of these documents. Thank you.

Very truly yours,

McNEES WALLACE & NURICK LLC

By

A handwritten signature in black ink, appearing to read 'Adeolu A. Bakare', is written over a horizontal line. The signature is fluid and cursive.

Adeolu A. Bakare

Counsel to the PP&L Industrial Customer Alliance

Enclosures

c: Rosemary Chiavetta, Secretary (Letter and Certificate only - via electronic filing)  
Certificate of Service

[www.mwn.com](http://www.mwn.com)

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**VIA E-MAIL AND FIRST CLASS MAIL**

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Adeolu A. Bakare

Counsel to PP&L Industrial Customer Alliance

Dated this 2<sup>nd</sup> day of July, 2015, at Harrisburg, Pennsylvania.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

---

**PP&L INDUSTRIAL CUSTOMER ALLIANCE OBJECTIONS TO  
PPL ELECTRIC UTILITIES CORPORATION  
INTERROGATORIES, SET I**

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Pursuant to 52 Pa. Code §§ 5.342(c) and (e), as modified by the Scheduling Order issued on May 7, 2015, in the above-captioned docket, the PP&L Industrial Customer Alliance ("PPLICA") hereby objects to the Interrogatories served by PPL Electric Utilities Corporation ("PPL") on June 26, 2015 ("PPL to PPLICA, Set I") as follows:

**PP&L INDUSTRIAL CUSTOMER ALLIANCE OBJECTIONS TO PPL ELECTRIC  
UTILITIES CORPORATION  
INTERROGATORIES, SET I**

**DOCKET NO. R-2015-2469275**

---

**PPL to PPLICA, Set I, Question No. 14**

Please describe any equipment failures of Amtrak equipment at Conestoga, including the P4 transformer and associated equipment. In your description, please also include:

- (a) The reason the for the failure;
- (b) The date the of the failure;
- (c) The status of the failed equipment today; and
- (d) If and when the failed equipment will be returned to service.

**Objection**

1. A party may not ask interrogatories that would cause unreasonable burden or expense or "[w]ould require the making of an unreasonable investigation by the deponent, a party or witness." 52 Pa. Code §§ 5.361(a)(2), (4). PPLICA objects to this interrogatory on the grounds that it would require an investigation into the historical maintenance records for a facility that has been in continued operation since the 1930s. Accordingly, locating and reviewing maintenance records covering such a broad period of time would unreasonably burden Amtrak, require Amtrak to incur unreasonable expenses, and constitute an unreasonable investigation.

Notwithstanding the above Objection, PPLICA will provide information regarding any equipment failures at the Conestoga Substation occurring within the past 5 years.

**PP&L INDUSTRIAL CUSTOMER ALLIANCE OBJECTIONS TO PPL ELECTRIC  
UTILITIES CORPORATION  
INTERROGATORIES, SET I**

**DOCKET NO. R-2015-2469275**

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**PPL to PPLICA, Set I, Instructions and Definitions**

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.

**Objection**

2. A party may not ask interrogatories which "relates to matter which is privileged." 52 Pa. Code § 5.361(a)(3). Consistent with Section 5.361(a)(3) privileged information, or information related to privileged matters is not properly subject to discovery. While PPL has acknowledged that privileged documents are not subject to discovery, the above instruction would require PPLICA to furnish information related to privileged matters, contrary to Section 5.361(a)(3) of the Commission's Regulations.



# **APPENDIX C**

## **ELECTRONIC CORRESPONDENCE SERVING PPL to PPLICA SET 1**

## Langan, A. JoLene

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**From:** Langan, A. JoLene <jlangan@postschell.com>  
**Sent:** Friday, June 26, 2015 11:42 AM  
**To:** Adeolu A. Bakare (abakare@mwn.com); Benjamin Z. Hartung (bhartung@cleanair.org); Daniel Clearfield (dclearfield@eckertseamans.com); Darryl Lawrence (dlawrence@paoca.org); David C. Parcell (parcelld@tai-econ.com); David R. Wooley (dwooley@kfwlaw.com); Deanne M. O'Dell (dodell@eckertseamans.com); Elizabeth R. Marx (emarxpulp@palegalaid.net); Gang, Michael; Gina L. Lauffer (ginlauffer@pa.gov); Glenn A. Watkins (watkinsg@tai-econ.com); Heather M. Langeland (langeland@pennfuture.org); Hobart J. Webster (hwebster@paoca.org); Jacob L. Schlesinger (jschlesinger@kfwlaw.com); John Costlow (jcostlow@theseef.org); John Finnigan (jfinnigan@edf.org); Joseph L. Vullo (jlvullo@aol.com); Joseph Otis Minott (joe\_minott@cleanair.org); Kenneth L. Mickens (kmickens11@verizon.net); Kenneth R. Stark (kenstark@pa.gov); Kimberly Klock (kklock@pplweb.com); Lauren M. Burge (lburge@paoca.org); Logan Welde (lwelde@cleanair.org); MacGregor, David; Mark C. Szybist (mszybist@nrdc.org); Michael Panfil (mpanfil@edf.org); Pamela C. Polacek (ppolacek@mwn.com); Patrick M. Cicero (pulp@palegalaid.net); Paul E. Russell (perussell@pplweb.com); Richard A. Kanaskie (rkanaskie@pa.gov); Richard Koda (rjkoda@earthlink.net); Robert D. Knecht (rdk@indecon.com); Roger Colton (roger@fsconline.com); Sarah C. Stoner (sstoner@eckertseamans.com); Sharon Webb (swebb@pa.gov); Steven C. Gray (sgray@pa.gov); Wright, Christopher  
**Subject:** PA PUC v. PPL Electric Utilities Corporation - Docket No. R-2014-2469275  
**Attachments:** PPL Electric - PPLICA Set I Discovery (6-26-15).PDF

Attached are the Interrogatories and Requests for Production of Documents Propounded by PPL Electric Utilities Corporation on PP&L Industrial Customer Alliance – Set I, in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

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This message is from the law firm Post & Schell, P.C. . This message and any attachments may contain legally privileged or confidential information, and are intended only for the individual or entity identified above as the addressee. If you are not the addressee, or if this message has been addressed to you in error, you are not authorized to read, copy, or distribute this message and any attachments, and we ask that you please delete this message and attachments (including all copies) and notify the sender by return e-mail or by phone at 215-587-1000. Delivery of this message and any attachments to any person other than the intended recipient(s) is not intended in any way to waive confidentiality or a privilege. All personal messages express views only of the sender, which are not to be attributed to Post & Schell, P.C., and may not be copied or distributed without this statement.