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May 6, 2016

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Second Floor  
Harrisburg, PA 17120

**RE: Laura Sunstein Murphy v. PECO Energy Company  
Docket No. C-2015-2475726**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is PECO Energy Company's Emergency Motion to Compel the Production of Medical Records.

Very truly yours,



Ward L. Smith  
Counsel for PECO Energy Company

WS/ab  
Enclosure

cc: Christopher P. Pell, ALJ  
Darlene D. Heep, ALJ  
Ed Lanza, Esquire

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Laura Sunstein Murphy

v.

PECO Energy Company

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Docket No. C-2015-2475726

**NOTICE TO PLEAD**

Pursuant to the modified discovery rules in this proceeding, you are hereby notified that, within 3 days, you must answer the enclosed Emergency Motion to Compel the Production of Medical Records. You must provide a full copy of any answer to counsel for PECO. If you serve an answer, you must file answer with the Commission or the Administrative Law Judge.

**File with:**

Rosemarie Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Second Floor  
Harrisburg, PA 17120

**With a copy to:**

Ward L. Smith  
PECO Energy Company  
2301 Market Street, S-23  
Philadelphia, PA 19103

Dated at Philadelphia, PA, May 6, 2016



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Ward L. Smith  
Counsel for PECO Energy Company  
2301 Market Street S-23  
Philadelphia, PA 19101-8699  
215-841-6863  
Ward.Smith@exeloncorp.com

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Laura Sunstein Murphy**

**v.**

**PECO Energy Company**

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**C-2015-2475726**

**PECO Energy Company's  
Emergency Motion to Compel the Production of Medical Records**

The central issue in this proceeding is the claim of the Complainant, Laura Sunstein Murphy, that exposure to radio frequency ("RF") transmissions from a PECO Advanced Meter Infrastructure ("AMI") meter and an existing Automatic Meter Reading ("AMR") meter<sup>1</sup> caused, or will exacerbate, her adverse health conditions. PECO has now twice served formal discovery seeking any medical records that state that Ms. Murphy's health conditions were caused by, or could be exacerbated by, RF exposure. Complainant objected to the first request and, after discussion between counsel, PECO submitted a second set of discovery that was tailored to avoid the Complainant's objections to the first request.

On Tuesday, May 3, PECO received Ms. Murphy's answer to PECO's second request for medical records. In a nutshell, the answer was that, upon execution of a protective agreement by PECO, Ms. Murphy would forward to PECO a "signed release authorizing health care providers to make available to medical records" requested in the discovery. In other words, the

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<sup>1</sup> The meter that PECO will install at the Murphy residence is referred to in the Amended Complaint and the Complainant's pre-filed testimony as a "smart meter." PECO's existing meter, known as an Automatic Meter Reader, or "AMR," also communicates using radio frequency transmissions, and may also from time-to-time be referred to as a "smart meter." PECO distinguishes between the two by referring to the existing meter as an "AMR," and the new meter as an "AMI."

answer was that Complainant would allow PECO to begin a third round of discovery – but this time against medical providers who are not parties to this proceeding, are not subject to the Commission’s jurisdiction, and are under no compulsion to answer such questions in a timely fashion, or at all.

That approach virtually guarantees that PECO will not have access to medical records prior to the June 14-15 hearing in this matter – and that means that Your Honors and the Commission will not have access to the medical records or expert testimony from *both* sides based on the medical records when deciding this case.

As described in more detail below, this tactic should not be allowed. Complainant should be required to do one of three things: (1) if the Complainant has copies of the requested medical records, she should immediately provide them in discovery answers; (2) if the Complainant does not have copies of the requested medical records, she should immediately obtain them from her doctors and then provide them in discovery answers; (3) if no such medical records exist, then Complainant should be required to submit a verified discovery answer stating that no such records exist.

Timing is critical here. The hearing in this case in this case is slightly over one month away. PECO must file its rebuttal testimony in this matter on May 20 – which is fourteen days from the filing of this Motion. If such records exist, and in order to protect its due process rights, PECO must have the opportunity for its experts to examine those records before submitting their written testimony, and it must have the records for cross-examination. PECO therefore requests that this Motion be resolved on an emergency basis, and that Complainant be required to provide full answers to this discovery no later than Wednesday, May 11, 2016.

This Motion is organized as follows. First, PECO briefly establishes, by reference to the Amended Complaint and testimony, that Ms. Murphy has put the health claim at the center of this proceeding. Second, PECO provides additional detail regarding its discovery requests and Complainant's objections to and answers to those requests. Third, PECO delves more deeply into the three possible factual scenarios – (1) the records exist and are in the possession of Complainant; (2) the records exist and are *not* in the possession of the Complainant; and (3) no such records exist – and demonstrates that regardless of which is the actual situation, Complainant should be required to immediately provide full answers to this discovery.

**1. Complainant made her health claims and medical records the center of this proceeding**

On July 28, 2015, Complainant filed an Amended Complaint in this proceeding in which her health claims take center stage. A few examples will suffice to demonstrate the Complainant put these health claims into play: Amended Complaint §8: "The Complainant's medical conditions includes Ehlers Danlos Syndrome, lipedema and post-concussive syndrome, among other ailments, which make Complainant uniquely susceptible to Electro Magnetic Field (EMF) radiation" ; Amended Complaint §14: "Complainant believes, and therefore aver, that installation of a wireless smart meter at her home would create an unsafe and unhealthy condition at the premises."

On April 22, 2016, Complainant filed Statement No. 1, Direct Testimony of Dr. Martin Pall. On April 29, 2016, Complainant filed Statement No. 2, Direct Testimony of Laura Sunstein Murphy and Statement No. 3, Direct Testimony of Dr. Peter Prociuk. Ms. Murphy's health

claims are central to each piece of testimony. Again, a few examples will suffice to demonstrate the centrality of health claims to slate of witnesses.

Dr. Pall 's testimony contains approximately 20 pages (pp. 22-41) under the heading: "Effects of Meter Emissions on Laura Murphy."

For her part, Ms. Murphy states, p. 24, lines 5-8, that she recently discovered that she has been exposed to radio frequency fields from a PECO meter since 2002, and the transmissions from that meter "has caused me unremitting bodily injury, robbed me of my golden years, exacerbated all my genetic diseases and has prevented me for healing from any of these insults."

Dr. Prociuk states (pp. 19-20) that he concurs with the testimony of Dr. Pall referred to above.

In sum, there can be no doubt that Ms. Murphy's health claims are central to her entire case, and her testimony and the testimony of Dr. Pall and Dr. Prociuk.

## **2. PECO diligently pursued discovery of Ms. Murphy's medical records**

Although the Amended Complaint in this case was filed in July 2015, it was not until January 28, 2016, that the Commission issued its *Kreider Order* allowing health hearings for the first time.

PECO first propounded discovery seeking medical records on February 24, 2016, when it served Set I, Q. 1, asking:

1. Please provide copies of all medical records including and since the diagnosis of the medical condition(s) which you claim have been or will be caused or exacerbated by PECO's AMI meter.

On February 29, 2016, Ms. Murphy objected to this interrogatory on the following multiple grounds:

Complainant has a significant number of medical providers that have treated her for a long period of time, and all the records requested would be voluminous. This discovery request is so broad and unlimited as to time and scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the Complainant. The request appears to be calculated to annoy and harass Complainant.

Complainant has sought treatment from a variety of medical providers for a host of conditions. This discovery request seeks to discover parts of Complainant's medical history and/or treatment which are completely unrelated to the issues in this proceeding in violation of Complainant's constitutionally protected right to privacy.

To require Complainant to delineate her entire medical history, as the interrogatory appears to do, is not reasonably calculated to lead to the discovery of admissible evidence, and is overbroad. The disclosure of medical history and medical records cannot be compelled even though they may, in some sense, be relevant to the substantive issues of this case. The medical records must be *directly relevant* to the issues in the proceeding. Complainant's right of privacy protects the disclosure of medical information not directly relevant to the case.

Complainant objects to this discovery request because it calls for the Complainant to produce documents and/or information which are not currently within the possession, custody, or control of Complainant.

This request is propounded for an improper purpose, to harass and to cause unnecessary and needless increase in the cost of litigation to Complainant. Therefore, Complainant objects to this discovery request unless the Respondent agrees to pay for the costs to obtain the answers and/or documents and the cost of the reproduction of the answers and/or documents prior to these being produced for the Respondent.

Counsel for PECO contacted counsel for Ms. Murphy to confer about and try to resolve her objections to the request for production. Based on that discussion, PECO withdrew Set I, Q 1 and, on April 14, 2016, PECO filed a second request for medical records. The second request, while longer and more detailed, was designed and intended to limit the request to

medical records that actually discuss the relationship, if any, between radio frequency fields and any of Complainant's health outcomes. PECO Set II-2 requested:

Please provide all medical records that meet any of the following criteria:

- (a) Any medical record that states that Complainant, or any resident in Complainant's household, has a medical or health condition that was caused by exposure to radiofrequency fields
- (b) Any medical record that states that Complainant, or any resident in Complainant's household, has a medical or health condition that was exacerbated by exposure to radio frequency fields;
- (c) Any medical record that states that exposure to radio frequency fields could cause Complainant, or any resident in Complainant's household, to develop a new medical or health condition;
- (d) Any medical record that states that exposure to radio frequency fields could exacerbate any existing medical or health condition of Complainant, or any resident in Complainant's household;
- (e) Any medical record that states that Complainant, or any resident in Complainant's household, has sensitivity or hypersensitivity to electromagnetic fields, radio frequency fields, or any similar diagnosis (a "Sensitivity Diagnosis").
- (f) If there is no medical record setting forth the Sensitivity Diagnosis, please state the first date on which such Sensitivity Diagnosis was made by a medical professional, and state the name and address of the medical professional who rendered that diagnosis.
- (g) For each member of Complainant's household with a Sensitivity Diagnosis, please describe and provide a copy of the results of all diagnostic tests that support the Sensitivity Diagnosis.
- (h) For each member of Complainant's household with a Sensitivity Diagnosis, please describe the symptoms experienced by that person, and state the date (by approximate month and year) that the individual first began to experience those symptoms.

Complainant did not lodge any objection to PECO II-2.

At 9:00 a.m. on Tuesday, May 3 -- 19 days after the discovery was served<sup>2</sup> -- counsel for PECO contacted counsel for Ms. Murphy to request an update on the answers. At 4:00 p.m. that same day, Ms. Murphy provided the following response:

Complainant will provide a signed release authorizing health care providers to make available medical records meeting the above criteria upon PECO's execution of a Protective Agreement (attached).

On May 4, PECO executed the Protective Agreement (a copy of which is attached to this Motion). Later that day, Ms. Murphy provided a "signed release" authorizing PECO to approach thirty-six different doctors or hospitals. The only contact information given for any of the doctors and hospitals is their name and city. No street addresses or other contact information is included. A copy of the signed release is attached to this Motion.

Notably, the release does not authorize PECO to seek medical records from Dr. Prociuk or Dr. Pall, who have submitted expert testimony in this proceeding. It is unclear whether that is an oversight, or it simply reflects that Drs. Prociuk and Pall prepared their testimony without examining any of Ms. Murphy's medical records.<sup>3</sup>

As of this time, PECO has not sent copies of the signed releases to any of the doctors listed on the signed release.

PECO respectfully submits that this history demonstrates that it has diligently and timely pursued discovery of Ms. Murphy's medical records.

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<sup>2</sup> This case has modified discovery procedures requiring responses to be served within 10 days.

<sup>3</sup> After receipt of this answer, counsel for PECO verbally inquired whether Complainant's expert witnesses had medical records in their possession when writing their testimony. Counsel for Ms. Murphy replied: "You'll have to ask the doctors."

**3. Complainant should be required to provide full answers to this discovery no later than Wednesday, May 11, 2016**

As stated earlier, there are really only three possible factual scenarios with respect to the requested medical records: (1) the records exist and are in the possession of Complainant; (2) the records exist and are *not* in the possession of the Complainant; and (3) no such records exist.

If the records exist and are in the possession of the Complainant, then she has an obligation to provide them. If she has the records, then the tactic of requiring PECO to separately obtain medical records from medical service providers who are not parties to this proceeding, are not subject to the Commission's jurisdiction, and are under no compulsion to answer such questions in a timely fashion or at all – and for whom effectively no contact information was given – is simply game-playing. Moreover, PECO notes that Ms. Murphy is a health law attorney. Statement No. 2, Direct Testimony of Laura Murphy, p. 20, line 16. She is thus well aware that medical providers will respond more readily to their patients than to a company litigating against their patient. Given that knowledge, this tactic is intended to, and does, prejudice PECO's due process right to develop its case in a timely and measured way. And this means that the record that is presented to the Commission will not be complete. This tactic should simply not be allowed.

As an ancillary matter, PECO notes that if medical records exist and are in the possession of Ms. Murphy's testifying witnesses, Dr. Prociuk and Dr. Pall, then she constructively possesses those records for purposes of this litigation. The proper procedure in that case is for Ms.

Murphy to obtain those records from her testifying witnesses and forward them as a discovery response.

The second scenario is that there are medical records that state that Ms. Murphy's health conditions were caused by, or will be exacerbated by, exposure to RF transmissions – but that neither Ms. Murphy nor her testifying witnesses are in possession of those records. PECO doubts that this scenario could be real, and it is presented only for completeness. Ms. Murphy's testimony contains an extremely detailed, 28-page history of her medical history; it is simply not credible that she wrote that summary without access to medical records. A great deal of Ms. Murphy's testimony claims that the AMR meter, which has been in place at her residence since 2002, has harmed her health. However, Ms. Murphy testified that she did not know that PECO's AMR transmitted radio frequency fields until she reviewed PECO's Answers to her Set I Interrogatories in this case. (p. 4, lines 7-9). *Those Interrogatory Answers were served on Ms. Murphy on April 14, 2016. That means that all medical records investigating or reflecting that issue must have been developed within the last month.* It is not credible that such records exist, but somehow Ms. Murphy did not get and retain a copy of them.

However, if Ms. Murphy's medical providers do have records that state her conditions were caused by or will be exacerbated by exposure to RF transmissions, and neither she nor her testifying witnesses have copies of them,<sup>4</sup> then the question should be how those records can most easily be obtained – by Ms. Murphy, or by PECO. The answer is that Ms. Murphy's medical providers will be more responsive to requests from her, their patient, than to requests

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<sup>4</sup> Both expert witnesses testified that Ms. Murphy has conditions that were caused by exposure to RF transmission. If this is the true scenario – that they have never seen any medical records to support that conclusion -- this also raises the very troubling question of how they formed that opinion.

from PECO. In this case, Ms. Murphy has asked the Commission to conclude that she has health conditions that were caused by exposure to RF transmissions. If her doctors have medical records demonstrating that is the case, she should be required to provide them and PECO should be allowed to have its expert witnesses examine them.

The third scenario is that no such records exist. In that case, Ms. Murphy should be required to state, in a verified discovery response that can be used to develop PECO's testimony and on cross-examination, that no such records exist. In this case, Complainant's asking PECO – especially at this late date -- to seek records from third party medical providers is a tactic that will allow Complainant to made medical claims but avoid having to admit that there are no medical records to support that claim. This tactic not only unfairly deprives PECO of its due process opportunity to defend against the claims made in this docket, it also deprives Your Honors and the Commission of a record with expert testimony based on the medical records – or lack thereof -- from *both* sides when deciding this case.

#### **4. Conclusion**

Despite PECO's timely and diligent efforts to obtain these key documents, Complainant has not answered this discovery in good faith. If she has the requested medical records, she should provide them. If she doesn't have them, she should get them from her doctors. If they don't exist, she should say so.

PECO has been requesting these documents since February 2016. It has met nothing but resistance and now, fourteen days before it is required to file its expert testimony, it finds it necessary to resort to this Motion. Based on the information and timelines set forth above,

PECO respectfully request that Your Honors order Ms. Murphy, by Wednesday, May 11, to either provide the requested medical records or state in a verified answer that no such records exist.

Respectfully submitted,



Ward Smith  
Assistant General Counsel  
PECO Energy Company  
215-841-6863  
[ward.smith@exeloncorp.com](mailto:ward.smith@exeloncorp.com)

May 6, 2016

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**BEFORE THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

**Laura Sunstein Murphy**

**v.**

**Docket No. C-2015-2475726**

**PECO Energy Company**

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**STIPULATED PROTECTIVE AGREEMENT**

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**This Agreement, is between and among Laura Sunstein Murphy ("Murphy" or "Complainant"); and PECO Energy Company ("PECO") in connection to the above-captioned proceeding ("Proceeding"). This Agreement establishes procedures for the protection of certain confidential information involved in the Proceeding.**

**Intending to be legally bound, the parties hereby agree as follows:**

- 1. That the information subject to this Stipulated Protective Agreement is all correspondence, documents, data, personal health information, studies, and other materials to be furnished by Complainant's medical providers pursuant to PECO's interrogatories to Complainant as to her health conditions, and which Complainant's medical providers may provide to PECO pursuant to a release signed by Complainant. Such materials will be referred to below as "Confidential Information." When a statement or exhibit is identified for the record, the portions thereof that constitute Confidential Information shall be so designated for the record.**
- 2. All Confidential Information shall only be made available to counsel for PECO subject to the terms of this Stipulated Protective Agreement. PECO counsel shall use or disclose the Confidential Information only for purposes of preparing or presenting evidence, cross examination or argument in this Proceeding. To the extent required for participation in this**

and PECO  
personnel  
working on this  
matter  
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proceeding, counsel for PECO may afford access to Confidential Information made available by Complainant, her witnesses and medical providers only to PECO's Experts, and only subject to the terms of this Stipulated Protective Agreement.

3. That, prior to making Confidential Information available to an expert as provided in paragraph 2, PECO shall deliver a copy of this Stipulated Protective Agreement to such expert and shall receive a written acknowledgment from the expert in the form attached as Appendix A to this Stipulated Protective Agreement or similar acknowledgment consistent with the terms of this Stipulated Protective Agreement. Complainant shall be notified promptly of the identity of all persons provided access to Confidential Information pursuant to this paragraph and paragraph 2 and shall be provided with a copy of each acknowledgment signed by each expert.

4. PECO shall use its best efforts to safeguard the Confidential Information and not disclose any Confidential Information except as provided herein. PECO agrees to give Complainant written notice within five (5) days of PECO's discovery of any unintentional disclosure of the Confidential Information and PECO shall cooperate with Complainant and her attorney to rectify to the extent possible, any damage to Complainant for unintentional disclosure of Confidential Information.

5. PECO acknowledges that all health information it receives from Complainant's healthcare providers pursuant to PECO's interrogatory requests is Confidential Information, and PECO shall mark each page of such documents "Confidential" and shall keep all Confidential Information segregated from its general litigation files in a secure location.

6. To the extent Confidential Information is provided electronically or by e-mail, or other electronic means, PECO and its experts will send such information encrypted, and will use such electronic files only for this Proceeding, will not copy the files onto any hard drive and will not make any additional copies.

7. Any public reference to Confidential Information by PECO or its experts shall be to the title or exhibit reference in sufficient detail to permit persons with access to the Confidential Information to understand fully the reference, but not more. The Confidential Information shall remain a part of the record, to the extent admitted, for all purposes of administrative or judicial review but shall remain in a segregated location and shall be prominently marked "CONFIDENTIAL".

8. That part of any record of this Proceeding containing Confidential Information, including but not limited to all exhibits, writings, direct testimony, cross examination, argument, and responses to discovery, and including reference thereto as mentioned in paragraph 7 above, shall be sealed for all purposes, including administrative and judicial review, unless such Confidential Information is released from the restrictions of this Stipulated Protective Agreement, either through the agreement of the parties to this Stipulated Protective Agreement or pursuant to an order of an Administrative Law Judge or the Commission.


9. That within thirty (30) days after a Commission decision is entered in the Proceedings, or in the event of appeals, within thirty (30) days after appeals are finally decided, PECO and PECO's experts, upon request, shall either destroy or return to Complainant all copies of all documents and other materials not entered into the record, including notes, electronic or e-mailed files, which contain any Confidential Information. In the event that PECO elects to destroy all copies of documents and other materials containing Confidential Information instead of returning the copies of documents and other materials containing Confidential Information to Complainant, PECO shall certify in writing to Complainant that all the Confidential Information has been destroyed.

**Agreed:**

**Laura Sunstein Murphy**

**PECO Energy Company**

By:   
\_\_\_\_\_  
**Edward G. Lanza, Esq.**  
**Counsel for Complainant**

By:   
\_\_\_\_\_  
**Ward L. Smith, Esq.**  
**Counsel for PECO**

**Date: May 3, 2016**

**Date: May 4, 2016**

**APPENDIX A**

**BEFORE THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

**Laura Sunstein Murphy**

**v.**

**Docket No. C-2015-2475726**

**PECO Energy Company**

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**ACKNOWLEDGMENT OF  
STIPULATED PROTECTIVE AGREEMENT**

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**TO WHOM IT MAY CONCERN:**

The undersigned is \_\_\_\_\_ for PECO, in the Proceeding as defined in the Stipulated Protective Agreement. The undersigned has read and understands the Stipulated Protective Agreement agreed to in the Proceeding, which Stipulated Protective Agreement deals with the treatment of Confidential Information. The undersigned agrees to be bound by, and comply with, the terms and conditions of said Stipulated Protective Agreement.

\_\_\_\_\_  
**NAME**

\_\_\_\_\_  
**ADDRESS**

\_\_\_\_\_  
**EMPLOYER**

**DATE:** \_\_\_\_\_

## AUTHORIZATION TO RELEASE MEDICAL RECORDS

I, Laura Sunstein Murphy ("Patient"), authorize the health care provider listed below to release medical records in its custody and control which relate to my care and treatment by the health care providers listed below under the following terms and conditions:

### *Patient Information:*

Laura Sunstein Murphy  
1191 Telegraph Road  
West Chester, PA 19380  
DOB: 8/23/47

### *Providers to whom this release pertains:*

University of Pennsylvania, several physicians, plus laboratory test results and hospital records:

Dr. Gregory Ginsberg

Dr. Rashna Staid, (formerly Downingtown, PA)

Dr. Ronald Wolf

Dr. Mously LeBlanc

Dr. Rupal Kothari, Paoli, PA

Dr. Pamela Demnicki, West Chester, PA

Dr. David Rose, Bryn Mawr, PA

Dr. Wen Chao, Bryn Mawr, PA

Dr. Clair Francomano, Baltimore, MD

Dr. Karen Herbst, Tucson, Arizona

Dr. Heather Olex, Newtown Square, PA

Dr. Brian Shiple, Glen Mills, PA

Bryn Mawr Rehab Hospital Post-Concussion Syndrome Neuro Unit

Excel Physical Therapy, Glenn Mills, PA

Dr. Alan Askinas, West Chester, PA

Eye Physicians and Surgeons, Wilmington, Delaware: Drs. Paula Ko, Jeffrey Minkowitz, and Denh Tuyen

Dr. Timothy Downey, West Chester, PA

Dr. Gary Cooperstein, Downingtown, PA

Dr. Reina Bender, West Chester, PA

Chester County Hospital Laboratory

Chester County Hospital Radiology

Chester County Hospital

Chester County Hospital PT

Paoli Hospital

Cynthia Boudreau, PT, formerly Chester County, PA; currently, Denver, Colorado

Dr. Mariele Briones, West Chester, PA

Dr. Michael Dabrow, Paoli Hospital

Dr. Karl Maret, Aptos, California

Dr. John Kelly, Wilmington, Delaware

Dr. Daniel Hayes, West Chester, PA

Christine Hayes, PT, Berwyn PA

Dr. Sonya Tuerff, Wilmington, Delaware

Christiana Care Vascular Specialists, Inc.

Christiana Care Hospital

Dr. Frederick Denstman, Newark, Delaware

Dr. Mark Meyerson, Baltimore, Maryland

***Details regarding persons who may receive this information and conditions under which this information may be used by recipient:***

Ward Smith, Esq.

PECO Energy Company

2301 Market Street, S-23

Philadelphia, PA 19103

215-841-6863

[ward.smith@axeloncorp.com](mailto:ward.smith@axeloncorp.com)

***(1) This information may be used by Ward Smith, Esq. solely for purposes of testimony and hearing preparation in the Complaint of Murphy vs PECO Energy Company, before the Pennsylvania PUC, Administrative Law Judges Heep and Pell, and which health information is subject to a Protective Agreement between Patient and PECO.***

***(2) Mr. Smith shall secure assurances from any PECO employees and independent contractors, and any experts hired by PECO involved in the Complaint described above to whom he discloses***

*this protected health information that they will not further disclose this protected health information, and*

*(3) Mr. Smith shall furnish Edward Lanza, Esquire, attorney for Patient, the names and addresses of all persons to whom Mr. Smith intends to or does disclose this protected health information, in accordance with the Protective Agreement between the parties:*

***Specific information to be disclosed:***

Please provide all available medical records. (Fees involved in providing medical records shall be charged to the recipient.)

***Reason for release of information:***

Legal Purposes – Patient is a complainant in a legal proceeding before the Pennsylvania Public Utility Commission. Her medical condition is an issue in the case, and her medical records are needed for the proceeding.

***The individual signing this form agrees and acknowledges as follows:***

(i) Voluntary Authorization: This authorization is voluntary. I understand that treatment, payment, enrollment or eligibility for benefits (as applicable) will not be conditioned upon my signing of this authorization form.

(ii) Effective Time Period: This authorization shall be in effect until December 31, 2016, unless earlier revoked.

(iii) Right to Revoke: I understand that I have the right to revoke this authorization at any time by writing to the health care provider or health care entity listed above. I understand that I may revoke this authorization except to the extent that action has already been taken based on this authorization.

(v) Signature Authorization: I have read this form and agree to the uses and disclosure of the information as described above

SIGNATURE:

  
\_\_\_\_\_  
Laura Sunstein Murphy

Date: May 4, 2016

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Laura Sunstein Murphy

v.

PECO Energy Company

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Docket No. C-2015-2475726

**CERTIFICATE OF SERVICE**

I, Ward L. Smith, hereby certify that I have this day served a copy of PECO's Emergency Motion to Compel the Production of Medical Records via e-mail to:

Ed Lanza, Esquire  
The Lanza Firm, LLC  
P.O. Box 61336  
Harrisburg, PA 17106

Dated at Philadelphia, Pennsylvania, May 6, 2016



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Ward L. Smith  
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