

Legal Department  
2301 Market Street / S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699

Direct Dial: 215-841-6863

August 5, 2016

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

**RE: Stephen and Diane Van Schoyk v. PECO Energy Company**  
**Docket No. C-2015-2478239**

Dear Ms. Chiavetta:

Enclosed for filing is PECO's Energy Company's Motion to Compel Answers to Discovery.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Ward L. Smith".

Ward L. Smith  
Counsel for PECO Energy Company

WS/ab  
Enclosure

cc: Christopher P. Pell, ALJ  
Darlene D. Heep, ALJ  
Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**STEPHEN AND DIANE VAN SCHOYK  
COMPLAINANT**

v.

**PECO ENERGY COMPANY  
RESPONDENT**

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**Docket No. C-2015-2478239**

**NOTICE TO PLEAD**

Pursuant to the discovery modifications in this case, you are hereby notified that you must reply to this Motion to Compel within 3 days. You must provide a full copy of answer to counsel for PECO and to the Commission and the Administrative Law Judges.

**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, August 5, 2016**



**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**

<b>Stephen and Diane Van Schoyck</b>	:	
	:	
<b>v.</b>	:	<b>C-2015-2478239</b>
	:	
<b>PECO Energy Company</b>	:	

**PECO Energy Company's  
Motion to Compel Answers to Discovery**

On May 11, 2016, PECO posed its Set I interrogatories to Complainants Stephen and Diane Van Schoyck. At that time, no discovery modifications were in place in this docket<sup>1</sup>, objections were thus due within five days, and answers were due within 20 days. No objections were lodged, and no answers have been provided.

Eighty-six days have now passed. PECO has made repeated requests for status updates as to when these discovery questions will be answered. As of today, PECO has not even been able to elicit a status update from Complainants.

PECO therefore moves to compel answers to its Set I, within five days, and in support thereof states as follows:

1. On May 11, 2016, PECO served its Set Interrogatories on Complainant. A copy of the transmitting email and the Set I discovery questions are attached to this Motion as Exhibit 1. Set I is comprised of three questions regarding Complainants' use of cell phones and other devices, and seeking medical records.

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<sup>1</sup> Modified discovery rules were later adopted in all of the AMI proceedings where the Complainant is represented by counsel, with a 10-day return on discovery.

2. On May 11, 2016, PECO also filed and served a transmittal letter and certificate of service for Sets I. A copy of the transmittal email and certificate are attached as Exhibit 2.

3. On May 16, 2016, the period for lodging objections expired. No objections were lodged.

4. On May 31, 2016, the then-in-place 20-day return date expired. No answers were provided.

5. On June 16, 2016, Mr. Harvey entered an appearance in this docket as co-counsel.

6. On June 28, 2016, PECO sent a request for an update to Complainant's counsel. The email re-transmitted the discovery requests and asked, in relevant part: "I recognize that these questions were sent during a very busy time [during preparation for the Povacz hearing], but it has now been 48 days since these questions were asked. May I please have an update on when we can expect answers to them?" A copy of the June 28 email is attached as Exhibit 3.

7. On June 28, 2016, Mr. Harvey replied by email: "Let me discuss with Ed and we will get back to you soon, although probably not today, on this." A copy of Mr. Harvey's June 28 email is attached as Exhibit 4.<sup>2</sup>

8. On July 8, 2016, Mr. Lanza replied by email: "I received your emails regarding outstanding discovery responses in the different smart meter cases. I'm on vacation this week, but I will get you those answers when I return." A copy of Mr. Lanza's July 8 email is attached as Exhibit 5.

---

<sup>2</sup> Mr. Harvey's June 28 email has a reference line to the *Povacz* matter, rather than the *Van Schoyck* matter. PECO had sent update requests in all of the AMI cases in which Mr. Lanza or Mr. Harvey represent the Complainants; Mr. Harvey provided a single omnibus response in the email chain related to *Povacz*.

9. On July 19, 2016, PECO sent Complainant's counsel an email proposal for a joint schedule in the instant matter.

10. On July 19, 2016, Mr. Lanza replied by email: "We would like to discuss the schedule for these cases and other issues with you soon. I will confer with Steve and we will circle back to you shortly." A copy of Mr. Lanza's July 19, 2016 email is attached as Exhibit 6.

11. On July 19, 2016, PECO replied with a request for a date for such discussion, inquiring and stating: "When can we expect that discussion to occur? I realize that you likely have matters other than discovery that you want to roll into the discussion, but you are now deeply overdue on discovery answers – and even on updates on the status of discovery matters . . . . We need to hear from you this week [that is, by July 22] on discovery, even if the other agenda items need more time to ripen." A copy of PECO's July 19 email is attached as Exhibit 7.

12. PECO received no response to this request. On July 28, 2016 PECO sent Complainant's counsel an email with the subject line: "pls call me." It stated: "Ed: Pls call me. I'm going to have to start filing motions in the next day or so unless I hear something substantive from you ASAP. Please call me. 267-324-8426." A copy of PECO's July 28 email is attached as Exhibit 8. The number provided in the email was to Mr. Smith's cell phone.

13. On July 28, 2016, Mr. Lanza replied by email: "Ward, no need to file the motions. I'll call you tomorrow. Thanks." A copy of Mr. Lanza's July 28, 2016 email is attached as Exhibit 8.

14. On Friday, July 29, 2106 at 4:00 p.m., Mr. Lanza called Mr. Smith's office phone and left a message with PECO administrative staff that he had called.

15. On Friday, July 29, 2016 at 4:30 p.m., Mr. Smith returned Mr. Lanza's call. There was no answer, and Mr. Lanza's voice mail box was full. PECO therefore sent the following email to Complainant's counsel: "Ed: I see that I missed your call at 4:00. I just tried to leave you a voice message – you voice mail is full. Please call me back on my cell phone – 267-324-8426. I really need to talk today or this weekend." A copy of PECO's July 29 email is attached as Exhibit 10.

16. As of the date of the filing of the instant Motion, an additional seven days have passed since PECO's most recent request for a status update on discovery. Complainant's counsel has not contacted Mr. Smith to discuss the discovery matters at issue through email or phone.<sup>3</sup>

17. Answers to these discovery questions were due 20 days after service.

18. PECO's Set III and Set IV discovery were served 86 days ago today.

19. PECO respectfully submits that it has exhausted all reasonable efforts to resolve this discovery dispute informally between the parties.

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<sup>3</sup> Mr. Lanza did communicate with Ms. Lee by email on several occasions during that week to coordinate the relocation of the Tucker meter.

**WHEREFORE:**

PECO respectfully requests that Your Honors issue an Order requiring Complainant to provide full and complete answers to PECO's Set I discovery within five calendar days of the issuance of such Order.

Respectfully submitted,



---

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

August 5, 2016

## **Exhibit 1**

**Smith, Ward L:(PECO)**

---

**From:** Smith, Ward L:(PECO)  
**Sent:** Wednesday, May 11, 2016 1:23 PM  
**To:** 'Edward Lanza'  
**Cc:** 'Tom Watson'; Lee, Shawane L.:(PECO)  
**Subject:** Stephen and Diane Van Schoyck, C-2015-2478239, PECO Discovery, Set I Qs 1-3 (Substance)  
**Attachments:** C2478239\_Rogs\_RPDs\_Set\_I.PDF

Ed:

A copy of PECO's Discovery, Set I, Qs 1-3, is attached.

Ward



**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

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*If your filing exceeds 250 pages, you are required to submit one paper copy of the filing within 3 business days of submitting the electronic filing. This paper copy can be mailed to: Secretary, Pennsylvania Public Utility Commission, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120. Please print a copy of this page and attach it to the paper copy of your filing as the first page.*

eFiling Confirmation	
Docket Number:	C-2015-2478239
Description:	Steven and Diane Van Schoyck - PECO Energy Company Certificate of Service - Interrogatories and Request for Production of Documents - Set I
Transmission Date:	5/11/2016 1:01:37 PM
Filed On:	5/11/2016 1:01:37 PM
eFiling Confirmation Number:	1633073

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File Name	Document Class	Document Type
Steven and Diane Van Schoyck - Certificate of Service.pdf	Other Filing	Certificate of Service



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Philadelphia, PA 19101-8699

Direct Dial: 215-841-6863

**May 11, 2016**

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

**RE: Steven and Diane Van Schoyck v. PECO Energy Company  
Docket No. C-2015-2478239**

**Dear Ms. Chiavetta:**

**Enclosed for filing is a Certificate of Service demonstrating that this day PECO served its Interrogatories and Requests for Production of Documents, Set I, Qs. 1-3 in this proceeding.**

**Very truly yours,**

A handwritten signature in cursive script, appearing to read "Ward L. Smith".

**Ward L. Smith  
Counsel for PECO Energy Company**

**WS/ab  
Enclosure**

**cc: Christopher P. Pell, ALJ (w/out encl)  
Darlene D. Heep, ALJ (w/out encl)  
Certificate of Service (w/enc)**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Steven and Diane Van Schoyck

v.

PECO Energy Company

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Docket No. C-2015-2478239

**NOTICE TO PLEAD**

Pursuant to 52 Pa. Code § 55.42, you are hereby notified that you must object, within 5 days or provide written responses to the enclosed Interrogatories and Request for Production of Documents, Set 1, within 20 days from service of this notice. You must provide a full copy of any objection or answer to counsel for PECO. If you serve an objection or answers, you may not file the substance of such objection or answer with the Commission or the Administrative Law Judge; however, you must file a certificate of service with the Secretary of the Pennsylvania Public Utility Commission with the Administrative Law Judge, evidencing the service of such objection or answers on PECO.

**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 11, 2016



**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**

**Stephen and Diane Van Schoyck**

**v.**

**PECO Energy Company**

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**C-2015-2478239**

**PECO Energy Company's  
Interrogatories and Requests for Production of Documents,  
Set I**

**Respondent PECO Energy Company ("PECO") hereby submits the following Interrogatories and Requests for Production of Documents, Set I, upon Complainants Stephen and Diane Van Schoyck, to be answered separately and fully in writing and in accordance with 52 Pa. Code §§ 5.341 and 5.349 of the rules and regulations of the Pennsylvania Public Utility Commission.**

**PECO Interrogatory I-1:**

**Please identify the type (with make and model) of all devices, appliances, and equipment used in Complainant's home that produce radio-frequency fields, including cell phones, microwave ovens, wireless internet access, and WIFI routers.**

**PECO Interrogatory I-2:**

For each cell phone identified in response to PECO Interrogatory I-1, please provide six months of phone bills or other usage records for the phone with sufficient detail to show actual usage for that period.

**PECO Interrogatory I-3:**

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.

Ward Smith

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

May 11, 2016

Date:

Shawane Lee  
Assistant General Counsel  
PECO Energy Company  
215-841-6841  
[shawane.lee@exeloncorp.com](mailto:shawane.lee@exeloncorp.com)

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Steven and Diane Van Schoyck

v.

PECO Energy Company

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Docket No. C-2015-2478239

CERTIFICATE OF SERVICE

I, Ward L. Smith, hereby certify that I have this day served a copy of PECO Energy Company's Interrogatories and Requests for Production of Documents, Set I via e-mail to:

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

Dated at Philadelphia, Pennsylvania, May 11, 2016



Ward L. Smith  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, PA 19101-8699  
(215) 841-6863  
Fax: 215.568.3389  
Ward.Smith@exeloncorp.com

## **Exhibit 2**

**Smith, Ward L:(PECO)**

---

**From:** Smith, Ward L:(PECO)  
**Sent:** Wednesday, May 11, 2016 1:22 PM  
**To:** 'Heep, Darlene'; 'Pell, Christopher'; 'Edward Lanza'  
**Cc:** 'Tom Watson'; Lee, Shawane L:(PECO)  
**Subject:** Stephen and Diane Van Schoyck, C-2015-2478239, PECO Discovery, Set I Qs 1-3 (Proof of Service)  
**Attachments:** Steven and Diane Van Schoyck - Certificate of Service.pdf

Your Honors and Mr. Lanza:

Today PECO served its discovery (Set 1, Qs. 1-3) in this matter. A transmittal letter and certificate of service evidencing that service are attached.

A full copy with the substance of the questions will be forwarded to Mr. Lanza separately.

Ward Smith



**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

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Steven and Diane Van Schoyck - Certificate of Service.pdf	Other Filing	Certificate of Service



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Direct Dial: 215-841-6863

May 11, 2016

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

**RE: Steven and Diane Van Schoyck v. PECO Energy Company**  
**Docket No. C-2015-2478239**

Dear Ms. Chiavetta:

Enclosed for filing is a Certificate of Service demonstrating that this day PECO served its Interrogatories and Requests for Production of Documents, Set I, Qs. 1-3 in this proceeding.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ward L. Smith".

Ward L. Smith  
Counsel for PECO Energy Company

WS/ab  
Enclosure

cc: Christopher P. Pell, ALJ (w/out encl)  
Darlene D. Heep, ALJ (w/out encl)  
Certificate of Service (w/enc)

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Steven and Diane Van Schoyck

v.

PECO Energy Company

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Docket No. C-2015-2478239

CERTIFICATE OF SERVICE

I, Ward L. Smith, hereby certify that I have this day served a copy of PECO Energy Company's Interrogatories and Requests for Production of Documents, Set I via e-mail to:

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

Dated at Philadelphia, Pennsylvania, May 11, 2016



Ward L. Smith  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, PA 19101-8699  
(215) 841-6863  
Fax: 215.568.3389  
Ward.Smith@exeloncorp.com

## **Exhibit 3**

**Smith, Ward L:(PECO)**

---

**From:** Smith, Ward L:(PECO)  
**Sent:** Tuesday, June 28, 2016 3:31 PM  
**To:** 'Edward Lanza'; 'steve@steveharveylaw.com'  
**Cc:** Diaz Jr, Romulo L:(PECO); Lee, Shawane L.:(PECO); Lee, Shawane L.:(PECO)  
**Subject:** Van Schoyck v PECO -- Request for Status Update on Discovery Answers  
**Attachments:** C2478239\_Rogs\_RPDs\_Set\_I.PDF

Ed and Steve:

On May 11, 2016, PECO served the attached discovery requests on the Van Schoycks (via email to Ed).

At that time, I don't believe the Van Schoyck matter had discovery modifications, so these questions had a 20-day reply, and thus were due on May 26.

I recognize that these questions were sent during a very busy time, but it has now been 48 days since these questions were posed. May I please have an update on when we can expect answers to them?

Thanks.

Ward

## **Exhibit 4**

**Smith, Ward L:(PECO)**

---

**From:** Steve Harvey <steve@steveharveylaw.com>  
**Sent:** Tuesday, June 28, 2016 3:34 PM  
**To:** Smith, Ward L:(PECO); Edward Lanza  
**Cc:** Diaz Jr, Romulo L:(PECO); Lee, Shawane L.:(PECO); Tom Watson  
**Subject:** RE: Povacz v PECO -- Request for Status Update on Discovery Answers

Thank you, Ward. Let me discuss with Ed and we will get back to you soon, although probably not today, on this.

Stephen G. Harvey  
Steve Harvey Law LLC  
1880 John F. Kennedy Blvd.  
Suite 1715  
Philadelphia, PA 19103  
215.438.6600  
[vCard](#)

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---

**From:** Smith, Ward L:(PECO) [<mailto:ward.smith@exeloncorp.com>]  
**Sent:** Tuesday, June 28, 2016 3:32 PM  
**To:** Edward Lanza <[ed@lanzafirm.com](mailto:ed@lanzafirm.com)>; Steve Harvey <[steve@steveharveylaw.com](mailto:steve@steveharveylaw.com)>  
**Cc:** Diaz Jr, Romulo L:(PECO) <[Romulo.Diaz@exeloncorp.com](mailto:Romulo.Diaz@exeloncorp.com)>; Lee, Shawane L.:(PECO) <[Shawane.Lee@exeloncorp.com](mailto:Shawane.Lee@exeloncorp.com)>; Tom Watson <[tw@w-r.com](mailto:tw@w-r.com)>  
**Subject:** RE: Povacz v PECO -- Request for Status Update on Discovery Answers

Typo below – these were originally sent on May 23, 2016.

W

---

**From:** Smith, Ward L:(PECO)  
**Sent:** Tuesday, June 28, 2016 3:29 PM  
**To:** 'Edward Lanza'; 'steve@steveharveylaw.com'  
**Cc:** Diaz Jr, Romulo L:(PECO); Lee, Shawane L.:(PECO); 'Tom Watson'  
**Subject:** Povacz v PECO -- Request for Status Update on Discovery Answers

Ed and Steve:

On May 23, 2015, PECO served the attached discovery requests on Ms. Povacz (via email to Ed).

The Povacz matter is under discovery modifications, so these questions had a 10-day reply, and thus were due on June 2.

I recognize that these questions were sent during a very busy time, but it has now been 36 days since these questions were posed. May I please have an update on when we can expect answers to them?

Thanks.

**Ward**

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## **Exhibit 5**

**Smith, Ward L:(PECO)**

---

**From:** Edward Lanza <ed@lanzafirm.com>  
**Sent:** Wednesday, July 06, 2016 3:37 PM  
**To:** Smith, Ward L:(PECO)  
**Cc:** Steve Harvey  
**Subject:** [EXTERNAL] Outstanding Discovery - Smart Meter Cases

Ward,

I received your emails regarding outstanding discovery responses in the different smart meter cases. I'm on vacation this week, but I will get those answers to you when I return.

Thanks,

Ed

The Lanza Firm, LLC  
P.O. Box 61336  
Harrisburg, PA 17106  
(717) 576-2696  
[www.lanzafirm.com](http://www.lanzafirm.com)

## **Exhibit 6**

## **Smith, Ward L:(PECO)**

---

**From:** Edward Lanza <ed@lanzafirm.com>  
**Sent:** Tuesday, July 19, 2016 5:58 PM  
**To:** Steve Harvey; Smith, Ward L:(PECO)  
**Cc:** Lee, Shawane L.:(PECO); Tom Watson; Curt Renner  
**Subject:** RE: Van Schoyck v PECO C-2015-2478239

Thanks, Ward.

We would like to discuss the schedule for these cases and other issues with you soon. I will confer with Steve and we will circle back shortly.

Ed

THE LANZA FIRM, LLC  
P.O. Box 61336  
Harrisburg, PA 17106-1336  
(717) 576-2696

----- Smith, Ward L:(PECO) wrote -----

Counsel:

The purpose of this email is to discuss interim scheduling issues in the *Van Schoyck* matter.

As you know, in their April 8, 2016 Prehearing Order, the ALJs previously set forth a schedule for this proceeding that was predicated on the previously scheduled but now inoperative July 26-27 hearing dates. That schedule was:

May 19: Settlement discussions (we had a couple of discussions, but remain open to more)

May 24: Expert witness identification (we exchanged expert witness identification on this date per the schedule. See attached).

May 31: Dispositive Motions

July 12: Exhibit exchange

July 22: Stipulations

On April 19, we jointly proposed that the above schedule be superceded by the following schedule for the exchange of written testimony:

Van Schoyck Direct -- June 9

PECO Rebuttal -- June 30

Van Schoyck Surrebuttal -- July 18

Hearing -- July 26-27

As you know, that schedule also became inoperative.

On June 21, by email, the ALJs informed us that we would not be using written testimony in *Van Schoyck* and that "Prehearing Orders in *Van Schoyck* and *Randall* will contain deadlines for exchange of expert reports."

We subsequently received a new Prehearing Order in *Randall* (attached), but not *Van Schoyck*. We could just ask the ALJs to issue a template Prehearing Order #2 in *Van Schoyck* based on the *Randall* template, but I would prefer to translate the *Randall* template to a concrete schedule, and then jointly propose those dates.

The *Randall* prehearing has six key deadlines, each designated as "x days before hearing." Based on the *Randall* instructions that we have a ten-day return on discovery and that "the timing of discovery requests must allow time for responses" prior to the end of the discovery period, I've interpolated an additional deadline for the final day to pose discovery. That results in the following:

70 days: expert witness id

50 days: exchange expert reports

40 days: ask final discovery (really, 10 days prior to close of discovery, which itself can vary with weekends; interposed by me)

30 days: discovery closes

20 days: settlement conference

15 days: exhibit exchange

5 days: stipulations

If I make that concrete for *Van Schoyck*, based on the scheduled October 23 start of hearings, and taking into consideration the days on which the deadline falls on a weekend, we get the following:

Expert witness id – complete

Monday, September 5: exchange expert reports

Wednesday, September 16: ask final discovery

Monday, September 26: discovery closes

Tuesday, Oct. 4: settlement conference

Monday, Oct. 10: exchange exhibits

Wednesday, Oct. 19: stipulations

May I have your comments and concurrence at your earliest convenience?

Ward

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## **Exhibit 7**

**Smith, Ward L:(PECO)**

---

**From:** Smith, Ward L:(PECO)  
**Sent:** Tuesday, July 19, 2016 8:15 PM  
**To:** 'Edward Lanza'; 'Steve Harvey'  
**Cc:** Lee, Shawane L.:(PECO); 'Tom Watson'; 'Curt Renner'  
**Subject:** RE: Van Schoyck v PECO C-2015-2478239

Ed:

Thanks.

When can we expect that discussion to occur?

I realize that you likely have matters other than discovery that you want to roll into the discussion, but you are now deeply overdue on discovery answers – and even on updates on the status of discovery answers -- in *Van Schoyck*, *Murphy*, and *Randall/Albrecht*. We need to hear from you this week on discovery, even if the other agenda items need more time to ripen.

W

---

**From:** Edward Lanza [<mailto:ed@lanzafirm.com>]  
**Sent:** Tuesday, July 19, 2016 5:58 PM  
**To:** Steve Harvey; Smith, Ward L:(PECO)  
**Cc:** Lee, Shawane L.:(PECO); Tom Watson; Curt Renner  
**Subject:** RE: Van Schoyck v PECO C-2015-2478239

Thanks, Ward.

We would like to discuss the schedule for these cases and other issues with you soon. I will confer with Steve and we will circle back shortly.

Ed

THE LANZA FIRM, LLC  
P.O. Box 61336  
Harrisburg, PA 17106-1336  
(717) 576-2696

----- Smith, Ward L:(PECO) wrote -----

Counsel:

The purpose of this email is to discuss interim scheduling issues in the *Van Schoyck* matter.

As you know, in their April 8, 2016 Prehearing Order, the ALJs previously set forth a schedule for this proceeding that was predicated on the previously scheduled but now inoperative July 26-27 hearing dates. That schedule was:

May 19: Settlement discussions (we had a couple of discussions, but remain open to more)

May 24: Expert witness identification (we exchanged expert witness identification on this date per the schedule. See attached).

May 31: Dispositive Motions

July 12: Exhibit exchange

July 22: Stipulations

On April 19, we jointly proposed that the above schedule be superceded by the following schedule for the exchange of written testimony:

Van Schoyck Direct -- June 9

PECO Rebuttal -- June 30

Van Schoyck Surrebuttal -- July 18

Hearing -- July 26-27

As you know, that schedule also became inoperative.

On June 21, by email, the ALJs informed us that we would not be using written testimony in *Van Schoyck* and that "Prehearing Orders in *Van Schoyck* and *Randall* will contain deadlines for exchange of expert reports."

We subsequently received a new Prehearing Order in *Randall* (attached), but not *Van Schoyck*. We could just ask the ALJs to issue a template Prehearing Order #2 in *Van Schoyck* based on the *Randall* template, but I would prefer to translate the *Randall* template to a concrete schedule, and then jointly propose those dates.

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**Tuesday, Oct. 4: settlement conference**

**Monday, Oct. 10: exchange exhibits**

**Wednesday, Oct. 19: stipulations**

**May I have your comments and concurrence at your earliest convenience?**

**Ward**

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## **Exhibit 8**

**Smith, Ward L:(PECO)**

---

**From:** Smith, Ward L:(PECO)  
**Sent:** Thursday, July 28, 2016 2:21 PM  
**To:** 'Edward Lanza'  
**Subject:** pls call me

**Ed:**

Pls call me. I'm going to have start filing motions in the next day or so unless I hear something substantive from you ASAP. Please call me.

267-324-8426

**W**

## **Exhibit 9**

**Smith, Ward L:(PECO)**

---

**From:** Edward Lanza <ed@lanzafirm.com>  
**Sent:** Thursday, July 28, 2016 7:15 PM  
**To:** Smith, Ward L:(PECO)  
**Subject:** RE: pls call me

Ward,  
No need to file motions.  
I'll call you tomorrow.  
Thanks,

Ed

THE LANZA FIRM, LLC  
P.O. Box 61336  
Harrisburg, PA 17106-1336  
(717) 576-2696

----- Smith, Ward L:(PECO) wrote -----

Ed:

Pls call me. I'm going to have start filing motions in the next day or so unless I hear something substantive from you ASAP. Please call me.

267-324-8426

W

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## **Exhibit 10**

**Smith, Ward L:(PECO)**

---

**From:** Smith, Ward L:(PECO)  
**Sent:** Friday, July 29, 2016 4:33 PM  
**To:** 'Edward Lanza'  
**Subject:** Pls call

Ed:

I see that I missed your call at 4:00. I just tried to leave you a voice message – your voice mail is full.

Please call back on my cell phone. 267-324-8426. I really need to talk today or this weekend.

W

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

STEPHEN AND DIANE VAN SCHOYK	:	
COMPLAINANT	:	Docket No. C-2015-2478239
v.	:	
	:	
PECO ENERGY COMPANY	:	
RESPONDENT	:	


**CERTIFICATE OF SERVICE**

I, Ward L. Smith, hereby certify that I have this day served a copy of PECO'S Energy Company's Motion to Compel Answers to Discovery in the above matter upon all interested parties via e-mail and postage prepaid to:

**Via Electronic Mail**  
Ed Lanza, Esquire  
The Lanza Firm, LLC  
P.O. Box 61336  
Harrisburg, PA 17106

**Via Electronic Mail**  
Stephen G. Harvey  
Steve Harvey Law LLC  
1880 John F. Kennedy Blvd., Ste 1715  
Philadelphia, PA 19103

Dated at Philadelphia, Pennsylvania, August 5, 2016

  
\_\_\_\_\_  
Ward L. Smith  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, PA 19101-8699  
(215) 841-6863  
Fax: 215.568.3389  
Ward.Smith@exeloncorp.com