

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCUMENT  
FOLDER

Joseph and Lisa DeGennaro :

v. :

Pennsylvania Electric Company :

C-20066055

PREHEARING ORDER

An Initial In-Person Hearing in this case is scheduled for Wednesday, August 30, 2006, at 10:00 a.m., in Hearing Room #4, Commonwealth Keystone Building, Harrisburg, PA. Accordingly, the parties are hereby directed to comply with the following requirements:

1. You must serve me directly with a copy of any document that you file in this proceeding, at the time of filing. If you send me any correspondence or document, you must send a copy to all other parties. For your convenience, a copy of the Commission's current service list of the parties to this proceeding is enclosed with this Order.

2. A request for a change of the scheduled hearing date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) days prior to the hearing. 52 Pa.Code §1.15(b). Requests for changes of hearing dates must be sent to me and all parties of record. The correct address is: Administrative Law Judge Kandace F. Melillo, P.O. Box 3265, Harrisburg, PA 17105-3265. Changes are granted only where good cause exists.

3. **YOU MAY LOSE THIS CASE IF YOU DO NOT TAKE PART IN THE HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.**

**DOCKETED**  
OCT 5 2006

4. The hearing is a formal proceeding and will be conducted in accordance with the Pennsylvania Public Utility Commission's Rules of Practice and Procedure.

5. If you intend to introduce any exhibits into evidence at the hearing, you must supply an original and one copy for the court reporter, a copy for me, and one copy for each other party. Proposed exhibits should be properly pre-marked for identification purposes. If photographs are to be submitted as exhibits, reprints are preferable to photocopies.

6. Exhibits which accurately depict the location of utility facilities and property boundaries appear to be necessary for an understanding of the matters at issue. 52 Pa. Code §5.404. Therefore, the parties are directed to confer and agree as to which party will present this evidence for the record. The utility is directed to supply documentation of its right-of-way, referenced in Paragraph 16 of its New Matter, and copies of referenced tariff sections.

7. Pursuant to 52 Pa.Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa.Code §1.24(b).

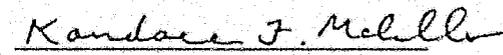
8. **THE COMPLAINANT BEARS THE BURDEN OF PROOF IN THIS PROCEEDING AND MUST SHOW BY A PREPONDERANCE OF THE EVIDENCE THAT THE RESPONDENT HAS VIOLATED THE PUBLIC UTILITY CODE OR A REGULATION OR AN ORDER OF THE COMMISSION SO THAT THE COMPLAINANT IS ENTITLED TO THE RELIEF REQUESTED IN THE COMPLAINT.**

9. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa.Code §5.421. You must submit your written application to me sufficiently in advance of the hearing date so the other parties will have the required ten (10) days' notice to answer or object, and so you will have enough time to receive the subpoena and serve it.

10. Any party may conduct discovery to learn the factual basis of another party's position in this case. However, 52 Pa.Code §5.331(b) provides, in relevant part, that "[a] participant shall endeavor to initiate discovery as early in the proceedings as reasonably possible." Additionally, 52 Pa.Code §5.322 provides, in relevant part, that "participants are encouraged to exchange information on an informal basis." Parties are urged to cooperate in informal information exchanges and in conducting discovery. There are limitations on discovery (52 Pa.Code §5.361) and sanctions for abuse of the discovery process (52 Pa.Code §§ 5.371 & 5.372).

11. **Commission policy is to encourage settlements. 52 Pa.Code §5.231(a).** Therefore, the parties are directed to again discuss the possible settlement of this case at least one week before the hearing. If you are unable to settle this case, you may still resolve as many questions or issues as possible during your informal discussion.

Date: June 22, 2006

  
Kandace F. Melillo  
Administrative Law Judge

**DOCUMENT** In Re: C-20066055  
**FOLDER**

(SEE ATTACHED LIST)

Joseph & Lisa DeGennaro v. Pennsylvania Electric Company  
Service Dispute

Hearing Cancellation/Reschedule Notice

This is to inform you that the initial telephonic hearing on the above-captioned case previously scheduled for Thursday, August 31, 2006, has been canceled.

The hearing has been rescheduled as follows:

Type: Initial In-Person Hearing  
Date: Wednesday, August 30, 2006  
Time: 10:00 a.m.  
Location: Hearing Room 4  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
Presiding: Administrative Law Judge Kandace F. Melillo  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
Telephone: 717-783-5452  
Fax: 717-787-0481

**DOCKETED**  
OCT 5 2006

Please mark your records accordingly.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission at least (2) two business days prior to your hearing:

- Scheduling Office: 717-787-1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988

pc: Judge Melillo  
Stacy Nolan, Scheduling Officer  
Beth Plantz  
Docket Section  
Calendar File

LAW OFFICES  
RYAN, RUSSELL, OGDEN & SELTZER LLP

SUITE 210  
1150 BERKSHIRE BOULEVARD  
WYOMISSING, PENNSYLVANIA 19610-1208

TELEPHONE: (610) 372-4761  
FACSIMILE: (610) 372-4177  
WWW.RYANRUSSELL.COM

July 18, 2006

ORIGINAL

HARRISBURG OFFICE

SUITE 101  
800 NORTH THIRD STREET  
HARRISBURG, PENNSYLVANIA  
17102-2025  
TELEPHONE: (717) 236-7714  
FACSIMILE: (717) 236-7816

VIA UPS OVERNIGHT

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, Pennsylvania 17120

RECEIVED

JUL 18 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE

Re: Joseph and Lisa DeGennaro v. Pennsylvania Electric Company  
Docket No. C-20066055

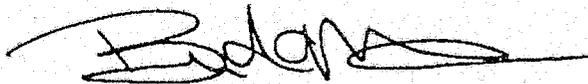
Dear Secretary McNulty:

Enclosed please find an original and three (3) copies of a Motion to Compel Responses to Discovery Requests and Notice to Plead on behalf of Pennsylvania Electric Company in the above-referenced matter. This document has also been served on the parties of record as shown in the Certificate of Service.

If you have any questions, please contact me.

Very truly yours,

RYAN, RUSSELL, OGDEN & SELTZER LLP



Bridgid M. Good

DOCUMENT  
FOLDER

Enclosures  
BMG:flw

c: As per Certificate of Service

KJR

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOSEPH & LISA DEGENNARO

v.

Docket No. C-20066055

PENNSYLVANIA ELECTRIC COMPANY:

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Motion to Compel Responses to Discovery Requests of Pennsylvania Electric Company and Notice to Plead upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by UPS Overnight, postage prepaid, addressed as follows:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, Pennsylvania 17120

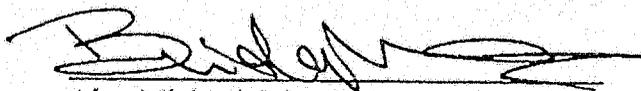
AJL Kandace F. Melillo  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor L-M West  
Harrisburg, Pennsylvania 17120

Service by First Class Mail, postage prepaid, addressed as follows:

Joseph and Lisa DeGennaro  
1909 N. 11<sup>th</sup> Avenue  
Altoona, PA 16601

John C. Peters, Esquire  
1216 Eleventh Avenue  
Altoona, Pennsylvania 16601

Dated: July 18, 2006



Alan Michael Seltzer  
Jeffrey A. Franklin  
Bridgid M. Good  
RYAN, RUSSELL, OGDEN & SELTZER LLP  
1150 Berkshire Boulevard, Suite 210  
Wyomissing, Pennsylvania 19610-1208  
(610) 372-4761

Attorneys for  
Pennsylvania Electric Company

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JUL 18 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Before Administrative Law Judge Kandace F. Meillo

ORIGINAL

JOSEPH & LISA DEGENNARO

v.

Docket No. C-20066055

PENNSYLVANIA ELECTRIC COMPANY:

TO: John C. Peters, Jr., Esquire  
1216 Eleventh Avenue  
Altoona, PA 16601

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JUL 18 2006

PA PUBLIC UTILITY COMMISSION  
HARRISBURG, PA

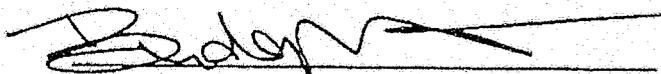
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NOTICE TO PLEAD

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Pursuant to 52 Pa. Code § 5.342 (g), you are hereby notified that you have five (5) days from the date of this notice to file a written response to the enclosed Motion or the facts set forth by Pennsylvania Electric Company in the Motion may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to the enclosed Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with copies served on all other parties to this proceeding.

Dated: July 18, 2006

  
Alan Michael Seltzer  
Jeffrey A. Franklin  
Bridgid M. Good  
RYAN, RUSSELL, OGDEN & SELTZER LLP  
1150 Berkshire Boulevard, Suite 210  
Wyomissing, PA 19610-1208  
(610) 372-4761

Counsel for Pennsylvania Electric Company

ORIGINAL

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOSEPH & LISA DEGENNARO :  
v. : Docket No. C-20066055  
PENNSYLVANIA ELECTRIC COMPANY:

MOTION OF PENNSYLVANIA ELECTRIC COMPANY TO COMPEL  
RESPONSES TO DISCOVERY REQUESTS

TO ADMINISTRATIVE LAW JUDGE KANDACE F. MELILLO:

Pennsylvania Electric Company ("Penelec" or the "Company") hereby files the following Motion to Compel in accordance with the Commission's regulations at 52 Pa. Code § 5.342 (g) and in connection therewith represents as follows:

I. INTRODUCTION

1. This Motion seeks to compel responses from Joseph & Lisa DeGennaro (hereinafter referred to as the "Complainants") as a result of their failure to provide responses to Penelec's Interrogatories and Requests for Production of Documents (Set 1) ("Discovery Requests").

2. As a result of the Complainants' actions, Penelec will be prejudiced in the preparation of its case and possible defense in the hearing of this matter.

3. In order to remedy the Complainants' failure to comply with clear Commission regulations pertaining to discovery, Penelec requests that the Commission direct the Complainants to submit full and complete responses to Penelec's Discovery Requests by July 31, 2006 to allow the Company sufficient time to review the responses to its Discovery Requests, issue any follow-up discovery it deems necessary, and prepare its case accordingly.

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE

4. In the event the Complainants fail to provide full and complete responses to the Discovery Requests by July 31, 2006, Penelec requests that the Complainants be prohibited from submitting any testimony on any issues raised in the Discovery Requests.

## II. BACKGROUND

5. Penelec provides retail electric service to the Complainants at 1901 N. 11<sup>th</sup> Avenue, Altoona, Pennsylvania ("Service Location").

6. This case involves claims by the Complainant that Penelec (i) improperly located an electric service pole to provide electric service to the Service Location and (ii) should bear all of the costs to have the Complainants' electric service facilities relocated such facilities are allegedly trespassing on the property of the Complainants' neighbors.

7. On or about April 24, 2006, Penelec timely filed an Answer and New Matter denying the material allegations in the Complaint.

8. A hearing is scheduled to be held on August 30, 2006.

## III. NATURE OF DISPUTE

9. In an attempt to ascertain and fully evaluate the Complainants' claims against Penelec and the nature and extent of the testimony and witnesses the Complainants intend to offer at the hearing of this matter, Penelec issued Discovery Requests to the Complainants on June 13, 2006 in accordance with the Commission's regulations at 52 Pa. Code § 5.341 and 5.349. Attached to this Motion as Exhibit A is a

copy of the transmittal letter and Discovery Requests sent to the Complainants via overnight mail<sup>1</sup>.

10. On July 7, 2006, Penelec sent a letter to the Complainants advising them that if it did not receive responses to its Discovery Requests by the close of business on Wednesday, July 12, 2005, Penelec would file a Motion to Compel with the presiding ALJ. A copy of this letter is attached hereto as Exhibit B.

11. To date, the Complainants have neither provided any responses to the Company's Discovery Requests nor responded to the Company's letter of July 7, 2006.

#### IV. SPECIFIC HARM TO PENELEC

12. The Company propounded discovery under the Commission's rules and is entitled to receive full, complete and timely responses. 52 Pa. Code §§ 5.341, 5.342 and 5.349.

13. The Complainants' failure to provide any answers to Penelec's outstanding Discovery Requests is highly prejudicial to Penelec. The Company has been attempting in good faith to develop a defense to the Complainant's allegations. Thus, it is critical that Penelec fully understand the Complainants' claims against it and the nature and extent of the testimony and witnesses the Complainants plan to present at a hearing.

14. Because the Complainants have the ultimate burden of proof in this proceeding, they have an obligation to prove all of the claims asserted against Penelec as described in paragraph 6 above. In response, Penelec is preparing to defend such

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<sup>1</sup> The Discovery Requests sent to the Complainants on June 13, 2006 also included Penelec's Requests for Admissions (Set I). The Complainants failed to provide responses to the Requests for Admissions. However, in accordance with 52 Pa. Code §5.350(c), the matter is deemed admitted unless responded to

allegations. Penelec's Discovery Requests were intended to determine, among other things, the nature and extent of the Complainant's claims that Penelec (i) improperly located an electric service pole to provide electric service to the Service Location and (ii) should bear all of the costs to have the Complainants' electric service facilities relocated such facilities are allegedly trespassing on the property of the Complainants' neighbors.

15. Since the Complainants have failed to provide any responses to Penelec's outstanding Discovery Requests, Penelec has been unable to develop a definitive defense since it does not know what specific information the Complainants plan to present at the hearing. In this respect, the Company will be prejudiced in the preparation of its defense unless the Complainants are directed to respond to the Discovery Requests promptly.

16. Discovery is an important tool in the litigation process and should not be allowed to be blatantly disregarded as it has been here.

#### **V. REQUESTED RELIEF**

17. This Commission's regulations at 52 Pa. Code §§ 5.342 (d) and 5.349 (d) require participants to respond to discovery requests within twenty (20) days and authorize the Commission, upon motion, to direct the Complainants to answer discovery requests.

18. Because of the Complainants' clear violation of the Commission's discovery regulations, the Complainants must be compelled to respond to Penelec's Discovery Requests immediately.

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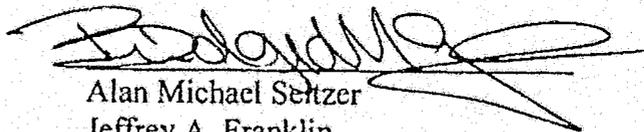
within twenty (20) days. Since that time period has expired, the matters are deemed admitted and are not part of this Motion.

19. Accordingly, Penelec requests that the presiding ALJ direct the Complainants to answer its Discovery Requests by July 31, 2006. In the event, the Complainants do not provide full and complete responses to the Discovery Requests to Penelec by July 31, 2006, Penelec requests that the ALJ prohibit the Complainants from introducing any testimony on any issues raised in the Discovery Requests.

WHEREFORE, Pennsylvania Electric Company requests that the presiding ALJ direct the Complainants to respond to its Discovery Requests as specified herein and grant Pennsylvania Electric Company such other relief as is just and reasonable under the circumstances.

Respectfully submitted,

Dated: July 18, 2006



Alan Michael Seltzer  
Jeffrey A. Franklin  
Bridgid M. Good  
RYAN, RUSSELL, OGDEN & SELTZER LLP  
1150 Berkshire Boulevard, Suite 210  
Wyomissing, Pennsylvania 19610-1208  
(610) 372-4761  
Fax No.: (610)372-4177  
BGood@RyanRussell.com

Attorneys for  
Pennsylvania Electric Company

EXHIBIT A

FILE COPY

LAW OFFICES  
RYAN, RUSSELL, OGDEN & SELTZER LLP

SUITE 210  
1150 BERKSHIRE BOULEVARD  
WYOMISSING, PENNSYLVANIA 19610-1208  
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HARRISBURG, PENNSYLVANIA  
17102-2025  
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FACSIMILE: (717) 236-7816

June 13, 2006

VIA UPS OVERNIGHT

John C. Peters, Esquire  
1216 Eleventh Avenue  
Altoona, Pennsylvania 16601

Re: Joseph & Lisa DeGennaro v. Pennsylvania Electric Company  
Docket No. C-20066055

Dear Mr. Peters:

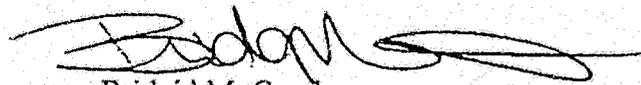
Enclosed please find Interrogatories and Requests for Production of Documents (Set I) and Requests for Admissions (Set I) ("Discovery Requests") issued in accordance with 52 Pa. Code §§ 5.342, 5.349 and 5.350 on behalf of Pennsylvania Electric Company ("Penelec") in the above-captioned matter. Pursuant to 52 Pa. Code §§ 5.342, 5.349, 5.350 you have twenty (20) days to provide responses to the attached. Please feel free to include your responses directly on the page containing the Discovery Request.

If I do not receive responses to the Discovery Requests within the time period described above, I will file all necessary pleadings on behalf of Penelec.

If you have any questions, please feel free to contact me. Thank you for your prompt attention to this matter.

Very truly yours,

RYAN, RUSSELL, OGDEN & SELTZER LLP



Bridgid M. Good

Enclosures

c: As per Certificate of Service  
Joseph & Lisa DeGennaro (Via UPS Overnight)

bc: Linda Evers, Esquire  
Melanie Hart  
Al Horvath  
Alan Michael Seltzer, Esquire  
Roe Strassner  
Eileen Schlect  
Bruce Beck  
Tina Calcagno  
Clair Ciaverrella  
D. Lowery  
Beverly Green  
Richard Gunsallas

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED  
JUL 13 2006  
PA PUBLIC UTILITY COMMISSION  
HARRISBURG, PENNSYLVANIA

JOSEPH & LISA DEGENNARO

v.

Docket No. C-20066055

PENNSYLVANIA ELECTRIC COMPANY:

PENELEC'S REQUEST FOR ADMISSIONS TO COMPLAINANT (SET I)

Pennsylvania Electric Company ("Penelec"), by and through its counsel, Alan Michael Seltzer, Jeffrey A. Franklin, Bridgid M. Good and Ryan, Russell, Ogden & Seltzer LLP, hereby propound the following Requests for Admissions (Set I) to Joseph and Lisa DeGennaro ("Complainants"), to be answered separately and fully in writing and under oath within twenty (20) days of the service date shown on the Certificate of Service attached hereto, pursuant to 52 Pa. Code §5.350.

DEFINITIONS

A. As used herein, "document" refers to any written, printed, recorded, taped, electronic, or graphic matter, including but not limited to, writings, agreements, licenses, contracts, books, pamphlets, periodicals, memoranda, correspondence, notes, diaries, calendars, appointment books, estimates, reports, intraoffice communications, work papers, canceled or uncanceled checks, records, filings, cost sheets, estimating sheets, studies, analyses, evaluations, purchase orders, bills, invoices, confirmations, bills of lading, receipts, ledgers, accounts, charts, graphs, indices, computer printouts, data sheets, data processing cards, tapes or discs, and any other data compilation from which information can be obtained or translated, if necessary, through detection devices into reasonably usable form, recordings, transcriptions thereof, minutes of meetings, and all other materials relating to any

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conversations, meetings and/or conferences, by telephone or otherwise, and any other writing or recording, however produced or reproduced, of any kind or description, including originals, non-identical copies (whether different from the original because of notes made on or attached to such copy or otherwise) and drafts, regardless of origin, whether sent or received or made and/or used internally, in whatever form, and both sides thereof, that (a) are now or formerly in your possession, custody, or control or (b) are known or believed to be responsive to these interrogatories, regardless of who now has or formerly had possession, custody or control.

B. As used herein, the term "oral communication" means any words heard or spoken, including without limitation, words spoken during any meeting, discussion, speech, or conversation including any telephone conversation.

C. As used herein, "representatives" shall include directors, officers, employees, agents, attorneys or other persons acting on behalf of any of the Defendants.

D. As used herein, "identify" shall mean describe with particularity and provide the following information:

(a) When used with reference to a natural person, state his or her full name, address and present or last known business, his or her last known or present business affiliation, and his or her position and business affiliation (including a description of his or her duties and responsibilities) at the time of the transaction, occurrence, event, happening or matter in question;

(b) When used with reference to any entity other than a natural person (e.g., a corporation, partnership, joint venture, or unincorporated association), state:

- (1) Its full name and organization form;
- (2) The address of its principal place of business; and

(3) Its purpose, primary business, or activities.

(c) When used with reference to a document (as that term is defined in paragraph A, above), annex a legible copy thereof including all attachments thereto, or state:

- (1) The nature of the document (e.g., letter, contract, chart, memorandum);
- (2) Its date and the date of its preparation;
- (3) Each author (and, if different, each signer) thereof, each addressee, and each other person to whom the document was distributed;
- (4) Its subject matter and substance;
- (5) Its present or last known location and custodian;
- (6) The disposition if such document was but is no longer in your possession or subject to your control; and
- (7) Any other information necessary to enable the custodian to locate the particular document and necessary for use in a request for production of documents under Pennsylvania Rule of Civil Procedure 4009.11.

(d) When used with reference to a meeting, state:

- (1) The date, time, and location of the meeting;
- (2) The identity of all persons involved in each and every meeting; and
- (3) The substance of the meeting.

(e) When used with reference to a legal proceeding, state:

- (1) The court, administrative agency, or other governmental body involved;
- (2) The caption of the proceeding;
- (3) All parties to the proceeding; and

(4) The docket number of the proceeding.

E. As used herein, "person" or "persons" include natural persons as well as firms, partnerships, associations, institutions, joint ventures, corporations, governmental entities, administrative agencies, professional associations, and every other organization of whatever sort.

F. As used herein, the term "date" means the exact day, month and year, if ascertainable, or, if not, your best approximation thereof. If an approximation is given, the responses should so indicate.

**INSTRUCTIONS FOR REQUESTS FOR ADMISSION**

A. Unless modified below, Penelec incorporates the above Definitions and the Commission's Regulations set forth at 52 Pa. Code § 5.350.

B. You must answer or object to each of the following Requests for Admission ("Request") within twenty (20) days of the date of service hereof.

C. If you object to a particular Request, the reason for said objection must be specifically stated.

D. Your answers shall admit or deny the matter requested or specify in detail the reasons why you cannot truthfully do so.

E. If you are unable to admit a part of a Request, your answer must specify so much of the Request as is true and qualify or specifically deny the remainder, setting forth in detail the reasons you cannot truthfully admit or deny that part of the Request.

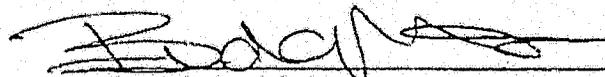
F. As the answering party, you may not give lack of information or knowledge as a reason for failure to admit or deny unless you state that you have made

reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny the Request.

## REQUESTS FOR ADMISSIONS

1. Complainants, Joseph and/or Lisa DeGennaro (the "DeGennaros") and/or their duly authorized representative(s) determined the location of the DeGennaros' underground electric service facilities when installed in December 2004 ("Original Location").
2. The DeGennaros knew that the Original Location of the underground electric service facilities trespassed on the adjoining property to the service location of 1909 N. 11<sup>th</sup> Avenue, Altoona, PA ("Service Location").
3. The DeGennaros advised Penelec representative(s) of the boundaries of the Service Location in November 2004.
4. The DeGennaros advised Penelec representative(s) of the boundaries of the Service Location in December 2004.
5. Without advising Penelec or its representatives, the DeGennaros moved the property stake showing the boundaries of the Service Location when Penelec was siting its electric service pole at the Service Location in December 2004.
6. The DeGennaros refused to relocate their underground electric service facilities when notified by the adjoining property owner sometime during May/June 2005 that the underground electric service facilities installed at the Original Location were trespassing on the property adjoining the Service Location.
6. After being notified by the City of Altoona by letter dated January 6, 2006 that the underground electric facilities installed at the Original Location were in an unsafe condition, the DeGennaros waited over ninety (90) days to correct said condition.

Date: June 13, 2006



Alan Michael Seltzer  
Bridgid M. Good  
1150 Berkshire Boulevard, Suite 210  
Wyomissing, Pennsylvania 19610-1208  
(610) 372-4761

Attorneys for  
Pennsylvania Electric Company

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOSEPH & LISA DEGENNARO

v.

PENNSYLVANIA ELECTRIC COMPANY:

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Docket No. C-20066055

**PENELEC'S INTERROGATORIES AND REQUEST FOR PRODUCTION  
OF DOCUMENTS (SET I) TO THE COMPLAINANTS**

Penelec Electric Company ("Penelec"), by and through its counsel, Alan Michael Seltzer, Jeffrey A. Franklin, Bridgid M. Good and Ryan, Russell, Ogden & Seltzer LLP, hereby propound the following Interrogatories and Requests for Production of Documents (Set I) (hereinafter referred to as "Discovery Requests") to Joseph & Lisa DeGennaro ("Complainants"), to be answered separately and fully in writing and under oath within twenty (20) days of the service date shown on the Certificate of Service attached hereto, pursuant to 52 Pa. Code §§ 5.341 and 5.342.

**DEFINITIONS**

A. As used herein, "document" refers to any written, printed, recorded, taped, electronic, or graphic matter, including but not limited to, writings, agreements, licenses, contracts, books, pamphlets, periodicals, memoranda, correspondence, notes, diaries, calendars, appointment books, estimates, reports, intraoffice communications, work papers, canceled or uncanceled checks, records, filings, cost sheets, estimating sheets, studies, analyses, evaluations, purchase orders, bills, invoices, confirmations, bills of lading, receipts, ledgers, accounts, charts, graphs, indices, computer printouts, data sheets, data processing cards, tapes or discs, and any other data compilation from which information can be obtained or translated, if

necessary, through detection devices into reasonably usable form, recordings, transcriptions thereof, minutes of meetings, and all other materials relating to any conversations, meetings and/or conferences, by telephone or otherwise, and any other writing or recording, however produced or reproduced, of any kind or description, including originals, non-identical copies (whether different from the original because of notes made on or attached to such copy or otherwise) and drafts, regardless of origin, whether sent or received or made and/or used internally, in whatever form, and both sides thereof, that (a) are now or formerly in your possession, custody, or control or (b) are known or believed to be responsive to these interrogatories, regardless of who now has or formerly had possession, custody or control.

B. As used herein, the term "oral communication" means any words heard or spoken, including without limitation, words spoken during any meeting, discussion, speech, or conversation including any telephone conversation.

C. As used herein, "representatives" shall include directors, officers, employees, agents, attorneys or other persons acting on behalf of any of the Complainant(s).

D. As used herein, "identify" shall mean describe with particularity and provide the following information:

(a) When used with reference to a natural person, state his or her full name, address and present or last known business, his or her last known or present business affiliation, and his or her position and business affiliation (including a description of his or her duties and responsibilities) at the time of the transaction, occurrence, event, happening or matter in question;

(b) When used with reference to any entity other than a natural person (e.g., a corporation, partnership, joint venture, or unincorporated association), state:

- (1) Its full name and organization form;
- (2) The address of its principal place of business; and
- (3) Its purpose, primary business, or activities.

(c) When used with reference to a document (as that term is defined in paragraph A, above), annex a legible copy thereof including all attachments thereto, or state:

- (1) The nature of the document (e.g., letter, contract, chart, memorandum);
- (2) Its date and the date of its preparation;
- (3) Each author (and, if different, each signer) thereof, each addressee, and each other person to whom the document was distributed;
- (4) Its subject matter and substance;
- (5) Its present or last known location and custodian;
- (6) The disposition if such document was but is no longer in your possession or subject to your control; and
- (7) Any other information necessary to enable the custodian to locate the particular document and necessary for use in a request for production of documents under Pennsylvania Rule of Civil Procedure 4009.11.

(d) When used with reference to a meeting, state:

- (1) The date, time, and location of the meeting;
- (2) The identity of all persons involved in each and every meeting; and
- (3) The substance of the meeting.

(e) When used with reference to a legal proceeding, state:

- (1) The court, administrative agency, or other governmental body involved;
- (2) The caption of the proceeding;
- (3) All parties to the proceeding; and
- (4) The docket number of the proceeding.

E. As used herein, "person" or "persons" include natural persons as well as firms, partnerships, associations, institutions, joint ventures, corporations, governmental entities, administrative agencies, professional associations, and every other organization of whatever sort.

F. As used herein, the term "date" means the exact day, month and year, if ascertainable, or, if not, your best approximation thereof. If an approximation is given, the responses should so indicate.

**INSTRUCTIONS FOR INTERROGATORIES AND REQUESTS  
FOR PRODUCTION OF DOCUMENTS**

A. Each interrogatory shall be accorded a separate answer, and each subpart of an interrogatory shall be accorded a separate answer. Interrogatories or subparts thereof should not be combined for the purpose of supplying a common answer. In accordance with 52 Pa. Code § 5.342, your response must be answered fully, in writing, under oath, and signed by the person answering. Please record your answer directly on the space provided under each interrogatory. If necessary, attach additional sheets of information to each interrogatory.

B. In answering these interrogatories, furnish all information, including documentation, that is available to you, including information in the possession of any of your agents, employees, or attorneys or otherwise subject to your custody and control. Under 52 Pa. Code § 5.332, you must supplement your responses to these

discovery requests as additional or more accurate information becomes available and must also amend any response when it is discovered to no longer be true.

C. If you know of any document, communication, or information but cannot give the specific information or the full information called for by a particular interrogatory, provide all the information you have on the subject, and identify every person you believe to have the required document, communication or information.

D. No answer is to be left blank. If the answer to an interrogatory or subpart of an interrogatory is "none" or "unknown", such statement shall be written in the answer. If the answer is omitted because of a claim of privilege, the basis of the privilege is to be stated.

E. The conjunctions "and" and "or" shall each be individually interpreted in every instance as meaning "and/or" and shall not be interpreted disjunctively to exclude any information otherwise within the scope of any specification in any interrogatory.

F. The term "including" shall be interpreted to mean "including without limitation".

G. Unless otherwise specified, each answer shall cover the period through the date on which the answers are served.

H. As used herein, whenever an interrogatory calls for information with respect to "each" one of a particular type or class of matters, events, persons, or entities of which there is more than one, separately list, set forth, and identify for each thereof all of the information called for.

I. If, in an answer, reference is made to an oral communication, with respect to each such oral communication:

- (1) State by whom and to whom such communication was made;
- (2) State the date and time such communication was made;
- (3) State the manner in which such communication was made (e.g., face-to-face conversation, telephone call);
- (4) State the subject matter and the substance of such communication; and
- (5) Identify all documents memorializing, referring, or relating to such communication.

**INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS**

1. Identify and describe when you first discovered that the underground electric service lines at 1909 N. 11<sup>th</sup> Avenue, Altoona, Pennsylvania 16601 ("Service Location") were located on property adjoining the Service Location not owned by you ("Adjoining Property), and provide any and all documents related thereto.

2. Identify and describe what actions, if any, you took to remedy the location of the underground electric service lines on the Adjoining Property including, without limitation, the date(s) of such action, and provide any and all documents related thereto.

3. Identify and describe the individual(s) who originally determined the location of the underground electric service lines to provide electric service to the Service Location including, without limitation, the following:

(a) the name, address, and telephone number of the individual(s) originally determining the location;

(b) his/her professional qualifications;

(c) the basis for the original location of the underground electric service lines;

(d) any and all documents in support of subparts (a) through (c) above.

4. Identify and describe when and how you were first advised by the City of Altoona that the exposed underground utility conduit providing service to the Service Location constituted a safety hazard, and provide any and all documents related thereto.

5. Identify and describe what actions, if any, you took in response to any communications/correspondence from the City of Altoona as described in response to Interrogatory No. 4 above including, without limitation, the date(s) of such action, and provide any and all documents related thereto.

6. Please identify and describe any and all issues you intend to raise in the hearing of your Formal Complaint.

7. Please identify and describe all persons, including yourself, other than expert witnesses, that you may or expect to call as a witness at the hearing of your Formal Complaint, including, but not limited to, their name, business address, personal or business affiliation, and the subject matter of their expected testimony.

8. Please identify and describe the name, address, telephone number, employer and job title of each person you expect to call as an expert witness at the hearing of your Formal Complaint.

9. For each expert identified in the preceding interrogatory, please identify, describe and provide the following:

(a) the qualifications of the expert, including, but not limited to, the schools attended, dates of attendance, degrees received, work experience, articles published and areas of expertise;

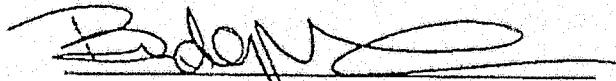
(b) the substance of the facts and opinions to which the expert is anticipated to testify and the grounds for such opinions;

(c) whether the facts and opinions to which the expert is expected to testify are contained in any written report, memorandum or other document. If so, please identify and describe the present custodian of the report, memorandum or other document; and

(d) if the answer to interrogatory 9(c) is in the affirmative, please provide a copy of the expert's written report, memorandum or other document.

10. Identify and describe all documents or other objects you expect to introduce as exhibits at the hearing of your Formal Complaint. Please provide copies of all identified documents.

Dated: June 13, 2006



Alan Michael Seltzer  
Bridgid M. Good  
RYAN, RUSSELL, OGDEN & SELTZER LLP  
1150 Berkshire Boulevard, Suite 210  
Wyomissing, Pennsylvania 19610-1208  
(610) 372-4761

Attorneys for  
Penelec Electric Company

EXHIBIT B

LAW OFFICES  
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July 7, 2006

John C. Peters, Esquire  
1216 Eleventh Avenue  
Altoona, Pennsylvania 16601

Re: Joseph & Lisa DeGennaro v. Pennsylvania Electric Company  
Docket No. C-20066055

Dear Mr. Peters:

On June 13, 2006, I forwarded to you Pennsylvania Electric Company's ("Penelec") Interrogatories and Requests for Production of Documents (Set 1) and Requests for Admissions (Set 1) (collectively "Discovery Requests"). By my calculation, the twenty (20) days to respond to the Discovery Requests expired on July 3, 2006. I have not received any responses from you. Your responses to Penelec's Discovery Requests are necessary for Penelec to prepare for the upcoming hearing on August 30, 2006.

Please provide me with complete responses to the Discovery Requests by Wednesday, July 12, 2006. If I do not hear from you by the close of business on Wednesday, I will file an appropriate motion with the presiding Administrative Law Judge in this matter.

Very truly yours,

RYAN, RUSSELL, OGDEN & SELTZER LLP

*Bridgid M. Good*  
Bridgid M. Good

c: Joseph & Lisa DeGennaro

bc: Sid Atherton  
Linda Evers, Esquire  
Melanie Hart  
Al Horvath  
Alan Michael Seltzer, Esquire  
Roe Strassner  
Eileen Schlect  
Bruce Beck  
Tina Calcagno  
Clair Ciaverrella  
D. Lowery  
Beverly Green  
Richard Gunsallas  
Chris Wehr

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COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

PLEASE DOCKET

IN REPLY PLEASE  
REFER TO OUR FILE

July 21, 2006

Joseph and Lisa DeGennaro  
1909 N. 11<sup>th</sup> Avenue  
Altoona, PA 16601

DOCUMENT  
FOLDER

Re: Joseph and Lisa DeGennaro v. Pennsylvania Electric Company  
Docket No. C-20066055

Dear Mr. and Mrs. DeGennaro:

I am in receipt of a Motion to Compel Responses to Discovery Requests (Motion to Compel) and Notice to Plead in this matter, which was filed by Pennsylvania Electric Company (Respondent or Penelec). I note that the Notice to Plead is directed to John C. Peters, Jr., Esquire. I am not aware that Mr. Peters has filed a Notice of Appearance on your behalf. If Mr. Peters is representing you, he should enter his appearance as soon as possible.

In addition, a copy of any response that is filed by you or on your behalf with respect to the Motion to Compel must also be sent to me. My correct address, as listed in the Prehearing Order, is Administrative Law Judge Kandace F. Melillo, P.O. Box 3265, Harrisburg, PA, 17325-3265.

Very truly yours,

*Kandace F. Melillo*

Kandace F. Melillo  
Administrative Law Judge

cc: John C. Peters, Esquire  
Bridgid M. Good, Esquire  
File: C-20066055