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September 8, 2017

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

**RE: Antonio Romeo v. PECO Energy Company**  
**PUC Docket No. C-2015-2479260**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is the *Motion of PECO Energy Company to Compel Answers to Interrogatories and Requests for Production of Documents* with regard to the matter referenced above.

I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties. Thank you for your time and attention on this matter.

Very truly yours,



Shawane Lee  
Counsel for PECO Energy Company

SL/alb  
Enclosure

cc: Honorable Darlene D. Heep, ALJ  
Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>ANTONIO ROMEO</b>	:	
<b>Complainant</b>	:	
<b>v.</b>	:	<b>DOCKET NO. C-2015-2479260</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

**MOTION OF PECO ENERGY COMPANY  
TO COMPEL ANSWERS TO INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS**

Pursuant to 52 Pa. Code § 5.432(g), Respondent, PECO Energy Company (“PECO”) hereby requests that the Commission compel full and complete answers to Respondent’s Interrogatories and Requests for Production of Documents Set I (“Set I Interrogatories”), which were served on July 24, 2017. PECO’s Interrogatories are attached as Exhibit A.

**I. BACKGROUND**

On or about April 28, 2015, Complainant filed a Formal Complaint alleging, among other things, that he is refusing installation of the meter based on privacy, safety, fire and health reasons; and asking the Commission to prevent PECO from installing an electric AMI meter on his premises.

In the Answer, filed on or about May 13, 2015, PECO denies the substantive allegations in the Complaint and claims that under Act 129 and the Commission’s Orders there are no “opt-outs” to smart meter installation.

On May 25, 2017, Administrative Law Judge Darlene D. Heep issued a Prehearing Order, setting the deadline for exchange of exhibits by September 7, 2017. A hearing is scheduled to take place on December 14 and December 15.

On July 24, 2017, PECO served upon Complainant its Set I Interrogatories and Requests for Production of Documents, which contained eight (8) questions and/or document requests. To date, PECO has not received Complainant's responses to the company's discovery. PECO respectfully requests that the Commission issue an Order compelling Complainants to answer the questions in the Set I Interrogatories and produce the documents, including medical documentation, requested in discovery. In support of its Motion to Compel, PECO states the following:

## **II. LEGAL STANDARD**

The Commonwealth Court of Pennsylvania has stated that “[d]iscovery itself is designed to promote free sharing of information so as to narrow the issues and limit unfair surprise. It is a tool which serves each litigant and promotes judicial economy.” *See Pittsburgh Bd. of Public Educ. V. M.J.N. by N.J.*, 105 Pa. Cmwlth. Ct. 397, 403, 524 A.2d 1385, 1388 (Pa. Commw. Ct. 1987).

Under the Commission's regulations, the scope of discovery is broad. Section 5.321 outlines the scope of discovery as follows:

- (c) **Scope.** Subject to this subchapter, a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter. It is not grounds for objection that the information sought will be

inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

52 Pa. Code § 5.321(c).

**III. THE INFORMATION PECO SEEKS IN IT'S DISCOVERY REQUESTS IS REQUIRED FOR THE COMPANY TO DEFEND AGAINST THE COMPLAINANT'S ALLEGATIONS**

The Commission should issue an Order compelling Complainant to answer Set I Interrogatories fully and without reservation and to provide the documents, including the medical documents requested. In accordance with Section 5.321(c) of the Commission's regulations, parties may obtain discovery of any unprivileged matter which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party. 52 Pa. Code §5.321(c).

PECO seeks information regarding the devices, appliances and equipment in Complainants' home, including cell phones that produce –radio-frequency fields. PECO additionally seeks information regarding the cellphone usage in the Complainant's household and medical records relevant to the health conditions alleged. The information requested is relevant to this proceeding, as the Complainant alleges that he and his family may have health effects from installation of the AMI electric meter. The Complainant additionally alleges fire, safety and privacy issues with the meter. For the reasons set forth below, the Presiding Officer should compel Complainant to answer PECO's interrogatories and requests for production of documents.

**A. Information regarding Complainant's devices, appliances and equipment used in the home that produce radio-frequency fields; cell phone usage in the home and supporting medical records is relevant and should be provided in response to PECO discovery.**

The interrogatories and document requests to which Complainant has failed to respond concern whether there are devices, appliances and equipment in the Complainant's home that produce RF and cell phone usage in the home and medical records of the alleged health condition. Complainant alleges that he and his family may have health effects from PECO's AMI electric meter. PECO's interrogatories are designed to elicit whether there are other devices, appliances or equipment already in the home that emit radio-frequency, and whether there is cell phone usage in the home. This is critical information the company needs to know. If there have been symptoms experienced from EMF, this is directly related to the Complainant's case and PECO requires this information to properly defend against Complainant's claims. Any medical records documenting any health conditions the Complainant claims are germane to the key issues in this case. It is important that Complainant shares this information in order for the Commission to make a judgment about the relative safety of the AMI meter and the effect it may have on the Complainant and his family.

Further, Complainant alleges in his formal complaint "there have been numerous well-documented fire, radiation, privacy, and other serious health and safety concerns with respect to smart meters around the country and specifically in Northeast Philadelphia, where my family and I live." In the company's discovery, PECO requested information concerning Complainant's personal knowledge and any documentation he may have regarding this allegation. The Complainant has initiated this complaint against PECO and the company requires this information to defend against the Complainant's complaint. Without this information, PECO

will be prejudiced in the company's defense against Complainant's claims that he and his family may have adverse health effects, fire, radiation, privacy, and safety issues resulting from PECO's AMI meter.

#### **IV. CONCLUSION**

WHEREFORE, for the reasons set forth above, PECO respectfully requests the Presiding Officer and the Commission: (a) grant this Motion; (b) compel Complainant to answer PECO's Set I Interrogatories and Requests for Production of Documents in full; and (c) grant any other relief deemed just and proper under the circumstances.

Respectfully submitted,



Ward Smith, Assistant General Counsel  
Shawane Lee, Assistant General Counsel  
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215-841-6863  
215-568-3389 [fax]  
[shawane.lee@exeloncorp.com](mailto:shawane.lee@exeloncorp.com)  
Counsel for PECO Energy

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>ANTONIO ROMEO</b>	:	
<b>Complainant</b>	:	
<b>v.</b>	:	<b>DOCKET NO. C-2015-2479260</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

**CERTIFICATE OF SERVICE**

I hereby certify that on this day I served a copy of the Motion to Compel of PECO Energy upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

**Via Email and/or First Class Mail**

**Antonio Romeo**  
9517 Alton Street  
Philadelphia, PA 19115  
Via Email: [aaairport1@aol.com](mailto:aaairport1@aol.com)

**Hon. Darlene D. Heep**  
Administrative Law Judge  
PA Public Utility Commission  
801 Market Street, Suite 4063  
Philadelphia, PA 19107  
Via Email: [dheep@pa.gov](mailto:dheep@pa.gov)

**Date: September 8, 2017**



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**Shawane L. Lee**  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, PA 19103  
(215) 841-6841  
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[Shawane.Lee@exeloncorp.com](mailto:Shawane.Lee@exeloncorp.com)

# EXHIBIT A



# PENNSYLVANIA PUBLIC UTILITY COMMISSION

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eFiling Confirmation	
Docket Number:	C-2015-2479260
Description:	Antonio Romeo v. PECO Energy Company Certificate of Service - Discovery Requests
Transmission Date:	7/24/2017 11:59:11 AM
Filed On:	7/24/2017 11:59:11 AM
eFiling Confirmation Number:	1685840

### Uploaded File List

File Name	Document Class	Document Type
Antonio Romeo - COS.pdf	Other Filing	Certificate of Service

For filings exceeding 250 pages, the PUC is requiring that filers submit one paper copy to the Secretary's Bureau within three business days of submitting the electronic filing online. Please mail the paper copy along with copy of this confirmation page to Secretary, Pennsylvania Public Utility Commission, P.O. Box 3285, Harrisburg, PA a copy of the filing confirmation page or reference the filing confirmation number on the first page of the paper copy.

**No paper submission is necessary for filings under 250 pages.**



An Exelon Company

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Direct Dial: 215-841-6863

Email: [Ward.Smith@pecoenergycorp.com](mailto:Ward.Smith@pecoenergycorp.com)

July 24, 2017

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

**RE: Antonio Romeo v. PECO Energy Company**  
**Docket No. C-2015-2479260**

Dear Ms. Chiavetta:

Today PECO Energy Company served its Discovery Requests in the above-referenced matter. A Certificate of Service evidencing service is attached for filing.

Very truly yours,

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

Ward L. Smith  
Counsel for PECO Energy Company

WS/ab  
Enclosure

cc: Honorable Darlene D. Heep, ALJ  
Antonio Romeo

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Antonio Romeo

v.

PECO Energy Company

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⋮  
⋮  
⋮  
⋮

Docket No. C-2015-2479260

**CERTIFICATE OF SERVICE**

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

**Tony Romeo  
9517 Alton Street  
Philadelphia, PA 19115**

**Dated at Philadelphia, Pennsylvania, July 24, 2017**



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**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**



**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>ANTONIO ROMEO</b>	:	
<b>Complainant</b>	:	
<b>v.</b>	:	<b>DOCKET NO. C-2015-2479260</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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**Respondent, PECO Energy Company's Interrogatories and  
Requests for Production of Documents, Set I  
Directed to Complainant, Antonio Romeo**

Respondent PECO Energy Company ("PECO") hereby submits the following Interrogatories and Requests for Production of Documents, Set 1, upon Complainant Antonio Romeo, to be answered separately and fully in writing and under oath in accordance with 52 Pa. Code §§ 5.341 and 5.349 of the rules and regulations of the Pennsylvania Public Utility Commission.

These Interrogatories are addressed to you as a party to this action; your answers shall be based upon information known to you or in the possession, custody or control of you, your attorney or other representative acting on your behalf whether in preparation for litigation or otherwise. These Interrogatories must be answered completely and specifically by you in writing and must be verified. The fact that investigation is continuing or that discovery is not complete shall not be used as an excuse for failure to answer each interrogatory as completely as possible. The omission of any name, fact, or other item of information from the Answers shall be deemed a representation that such name, fact, or other item was not known to Respondent(s), their counsel, or other representatives at the time of service of the answers.

**PECO Interrogatory 1-1:**

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 1-2:**

Please identify whether the Complainant and any member of the Complainant's household uses a cell phone? If so, provide the make and model of each cell phone owned or used by any member of the household and, for each such phone identified, provide twelve (12) months of phone bills or other usage records with sufficient detail to show actual usage for that period.

**PECO Interrogatory 1-3:**

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.

**PECO Interrogatory 1-4:**

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 radiofrequency 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.

**PECO Interrogatory 1-5:**

In your brief to the Commonwealth Court, you state that "a man named Richard, who works as a cashier at Acme" came to your door to warn you about the risks of the smart meter. Please state the full name, address and email address of "Richard" and provide any documentation you obtained from him.

**PECO Interrogatory 1-6:**

In your formal complaint, Appendix A (Explanation of Reason for Complaint), paragraph 12, you state: "There have been numerous well-documented fire, radiation, privacy, and other serious health and safety concerns with respect to smart meters around the country and specifically in Northeast Philadelphia, where my family and I live. [citing two news reports]."

(a) Please describe the all privacy concerns referenced in the above statement.

(b) Please describe all health concerns listed in the above statement.

(c) Please describe all safety concerns listed in the above statement.

**PECO Interrogatory 1-7:**

In your formal complaint, Appendix A (Explanation of Reason for Complaint), paragraph 12, you state: “There have been numerous well-documented fire, radiation, privacy, and other serious health and safety concerns with respect to smart meters around the country and specifically in Northeast Philadelphia, where my family and I live. [citing two news reports].”

- (a) Please provide all documentation in your possession demonstrating that PECO’s AMI meters cause or contribute to fires.
- (b) Please provide all documentation in your possession demonstrating that PECO’s AMI meters cause or contribute to privacy concerns.
- (c) Please provide all documentation in your possession demonstrating that PECO’s AMI meters cause or contribute to health concerns.
- (d) Please provide all documentation in your possession demonstrating that PECO’s AMI meters cause or contribute to safety concerns.

**PECO Interrogatory 1-8:**

In your formal complaint, Appendix A (Explanation of Reason for Complaint), paragraph 12, you state: “There have been numerous well-documented fire, radiation, privacy, and other serious health and safety concerns with respect to smart meters around the country and specifically in Northeast Philadelphia, where my family and I live. [citing two news reports].”

- (a) Please state all personal knowledge that you have that PECO’s AMI meters cause or contribute to fires. For purposes of this question, “personal knowledge” does not refer to information that you obtained from newspapers, the television, the internet, or things that you were told by other people, but rather refers to events that you personally observed and knowledge that you have from those personal observations of events. If the only information that you have is what you have seen in the newspapers, television, internet, or been told by others, please so state.
- (b) Please state all personal knowledge that you have that PECO’s AMI meters cause or contribute to privacy issues or concerns. For purposes of this question, “personal knowledge” does not refer to information that you obtained from newspapers, the television, the internet, or things that you were told by other people, but rather refers to events that you personally observed and knowledge that you have from those personal observations of events. If the only information that you have is what you have seen in the newspapers, television, internet, or been told by others, please so state.

**(c) Please state all personal knowledge that you have that PECO's AMI meters cause or contribute health and safety concerns. For purposes of this question, "personal knowledge" does not refer to information that you obtained from newspapers, the television, the internet, or things that you were told by other people, but rather refers to events that you personally observed and knowledge that you have from those personal observations of events. If the only information that you have is what you have seen in the newspapers, television, internet, or been told by others, please so state.**

---

**Ward Smith  
Assistant General Counsel  
PECO Energy Company  
2301 Market Street S-23  
Philadelphia, PA 19103  
215-841-6863  
Ward.Smith@exeloncorp.com**

**Dated: July 24, 2017**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>ANTONIO ROMEO</b>	:	
<b>Complainant</b>	:	
<b>v.</b>	:	<b>DOCKET NO. C-2015-2479260</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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**CERTIFICATE OF SERVICE**

Ward Smith, Esquire, hereby certifies that the Interrogatories and Requests for Production of Documents Directed to the Complainant, Antonio Romeo was served this date upon all counsel and parties listed below, by placing same in the United States first class mail, postage prepaid and via email.

Antonio Romeo  
9517 Alton Street  
Philadelphia, PA 19115  
Via Email: [aaairport1@aol.com](mailto:aaairport1@aol.com)

---

Ward Smith  
Assistant General Counsel  
PECO Energy Company

Dated: July 24, 2017