

Jay Larry Moyer
370 W. Johnson Street (C-1)
Philadelphia, PA 19144
267-693-2633

December 1, 2017

RE: C-2015-2511904

Ms. Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor North
P. O. Box 3265
Harrisburg, Pennsylvania 17120

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PA PUC
SECRETARY'S BUREAU

Dear Ms. Chiavetta:

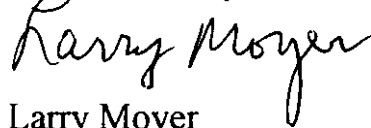
PPL Electric has, belatedly and improperly, on November 30, 2017, filed Objections to Interrogatories which were submitted by me on January 7, 2016, and which were properly filed on January 12, 2016. Even as I regard PPL's Objections as untimely and improper, certain egregious presumptions and distortions in those Objections must be answered.

1. PPL presumes to establish, unilaterally and arbitrarily, the timing of its response to discovery requests. PPL acknowledges (p. 1) that the prescribed dating for responding to outstanding discovery "would begin as of the date of a ruling on the Company's Preliminary Objections". PPL also concedes that "a ruling on the Company's Preliminary Objections did not take place". Then, astonishingly, PPL asserts that it is (on its own authority) treating the date of the PUC's Order on the Motion for Summary Judgment (November 20, 2017) "as the time from which to measure the response period. . ." In this

audacious assertion, PPL presumes to impose its will and to dictate the terms of the proceedings.

2. PPL's claim (p.1) that it is "treating" November 20, 2017, as the "time from which to measure the response period" cannot be reconciled, furthermore, with a separate PPL letter (also dated November 30, 2017) which (p. 1) "opposes any continuation of the December 11, 2017 evidentiary hearing beyond 30 days." No credible discovery process is possible in that period. Any discovery that is measured from November 20, 2017, would require much more than the 30-day "extension" that PPL seems to envision.
3. PPL incorrectly refers to the Interrogatories filed on January 12, 2016, as being "re-served" and intimates that these were (and are) identical to those in an earlier filing on December 14, 2015. The earlier filing was made before the assignment of a Presiding Judge on January 5, 2016. The later Interrogatories acknowledged the appointment of Dennis J. Buckley; added new material to reflect the changed circumstances; but did not replicate the Interrogatories filed on December 14, 2015. PPL's insinuation that they are duplicates must not be permitted to stand.
4. PPL ignores the specific parameters of the Interrogatories. PPL fails to mention the relevant time period that is specified in the Request. That period is dated from the Formal Hearing on April 21, 2015, to the date of the Request, January 7, 2016. It is during that period that the alleged ex parte communication arose. PPL's claim that the Interrogatories are "vague, overly broad, unduly burdensome, irrelevant" does not comport with the facts.

Yours sincerely,



Larry Moyer

Encl: PPL Objections to Interrogatories (belatedly filed)
Moyer letter (November 28, 2017)
PPL letter in response to Moyer's November 28 letter

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jay Larry Moyer	:	
	:	
v.	:	Docket No. C-2015-2511904
	:	
PPL Electric Utilities Corporation	:	

**OBJECTIONS OF PPL ELECTRIC UTILITIES CORPORATION TO THE
INTERROGATORIES OF JAY LARRY MOYER (SET I)**

Pursuant to 52 Pa. Code § 5.342(c), PPL Electric Utilities Corporation (“PPL Electric” or the “Company”), by and through its attorneys, hereby serves these objections to the first set of interrogatories of Jay Larry Moyer (“Complainant”) re-served on January 7, 2016 (“Moyer Set I”) via first-class mail. On January 13, 2016, discovery was stayed in the above-captioned proceeding pending a ruling on PPL Electric’s Preliminary Objections. Pursuant to the Order staying discovery, all time periods for responding to outstanding discovery would begin as of the date of a ruling on the Company’s Preliminary Objections. Although a ruling on the Company’s Preliminary Objections did not take place, Administrative Law Judge Joel H. Cheskis (the “ALJ”) recently ruled on PPL Electric’s Motion for Summary Judgment. Accordingly, PPL Electric is treating the date of that Order, *i.e.*, November 20, 2017, as the time from which to measure the response period to Moyer Set I.

As explained below, PPL Electric objects to these interrogatories because they are vague, overly broad, unduly burdensome, irrelevant, based on an improper purpose and use of discovery, not reasonably calculated to lead to the discovery of admissible evidence, and seeking privileged information and materials.

- a. A conversation between the Complainant and "Anna" on October 7, 2015 (c. 12:15 p.m.)
- b. A second conversation between the Complainant and "Anna" on October 7, 2015 (c. 12:40 p.m.)
- c. A conversation between the Complainant and "Eli" on October 7, 2015 (c. 2:07 p.m.)
- d. A conversation between the Complainant and "Marissa" on October 7, 2015 (c. 2:25 p.m.)
- e. A conversation between the Complainant and "Mae" on October 7, 2015 (c. 2:57 p.m.)
- f. A follow-up conversation with "Mae" on October 7, 2015 (c. 3:40 p.m.)
- g. A conversation between the Complainant and "Marjorie" on October 22, 2015, in a call which was transferred to "Stephanie" (in collections).
- h. A conversation with "Stephanie" on October 22, 2015.
- i. A follow-up conversation with "Marjorie", after being transferred back from "Stephanie".
- j. A conversation between the Complainant and "Tyler" on November 3, 2015 (c. 10:00 a.m.)
- k. A conversation between the Complainant and "Monica" on November 9, 2015 (c. 10:20 p.m.)
- l. A conversation between the Complainant and "Tammy" on December 2, 2015.
- m. A conversation on or about December 4, 2015, between a male caller and my wife, Marilyn M. Moyer who received while I was absent.
- n. A call from "Candy" on December 14, 2015, pressing me for payment of an electric bill.

5. PPL Electric objects to Moyer-I-2 on the grounds that the scope of the request is overly broad. The scope of this request would encompass conversations that are unrelated to the

issues raised in the Third Complaint. Therefore, this request is overly broad and not reasonably calculated to lead to the discovery of admissible evidence.

6. PPL Electric also objects on grounds that the interrogatory is unduly burdensome and meant to harass the Company. The Complainant was a party to any such telephone conversations and already has knowledge of what transpired. Moreover, the interrogatory is not just limited to the 14 conversations specifically listed. Rather, it requests all audio recordings of conversations from April 21, 2015, to present between the Complainant and individuals acting on behalf of PPL Electric. The Company would have to incur unnecessary expenses to produce copies of any such recorded conversations that are in its possession. Thus, this discovery request is unduly burdensome and only meant to harass PPL Electric.

C. OBJECTION TO MOYER-I-3

7. Moyer Set I, Question 3 requests the following:

3. All memos, comments, letters, customer service records (CSR's), "histories", and/or notations (whether in printed, digital, or audio format) that are related to conversations between the Complainant and employees or agents of PPL Electric, including any materials that have been received, prepared, maintained, consulted, or cited by Customer Service Representatives.

8. PPL Electric objects to Moyer-I-3 on the grounds that the scope of the request is vague, overly broad, and unduly burdensome. The interrogatory seeks a broad range of documents that are unrelated to the issues raised in the Third Complaint. Thus, this discovery request is vague, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

9. Furthermore, PPL Electric objects to the extent that the interrogatory seeks information that is considered a trade secret or is protected by attorney-client privilege or the attorneys' work product doctrine. Under 52 Pa. Code § 5.321(c), the Complainant may only

obtain discovery of non-privileged materials. However, Moyer-I-3 is broad enough in scope to cover materials that are considered trade secret or are protected by attorney-client privilege or the attorney work product doctrine.

D. OBJECTION TO MOYER-I-4

10. Moyer Set I, Question 4 requests the following:

4. Audio recordings of any and all telephone conversations related to the Complainant that occurred between employees of PPL electric and/or individuals acting as agents of PPL Electric.

11. PPL Electric objects to Moyer-I-4 on the grounds that the scope of the request is vague, overly broad, and unduly burdensome. The request has little limitation as to scope, subject matter, or time. Consequently, Moyer-I-4 encompasses materials that are unrelated to the issues raised in the Third Complaint. As a result, this request is vague, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

12. Further, the Company objects to the extent that the interrogatory seeks information protected by attorney-client privilege or the attorney work product doctrine. Under 52 Pa. Code § 5.321(c), the Complainant may only obtain discovery of non-privileged materials. However, Moyer-I-4 is broad enough in scope to cover conversations that are protected by attorney-client privilege or the attorney work product doctrine.

E. OBJECTION TO MOYER-I-5

13. Moyer Set I, Question 5 requests the following:

5. Copies of all emails, audio recordings, and other correspondence related in any way to the Complainant.

14. PPL Electric objects to Moyer-I-5 on the grounds that the scope of the request is vague and overly broad. The discovery request has little limitation as to scope, subject matter, or time. The scope of this request would encompass materials that are unrelated to the issues raised

in the Third Complaint. Thus, this request is vague and not reasonably calculated to lead to the discovery of admissible evidence.

15. PPL Electric also objects on grounds that the interrogatory is unduly burdensome and is meant to harass the Company. To the extent that the Complainant is seeking emails or correspondence that were sent to him or by him, those emails and correspondence are already in his possession. Further, for audio recordings of conversations to which he was a party, the Complainant can attest to the content of those conversations himself. Therefore, the Company would have to incur unnecessary expenses to produce copies of these emails, audio recordings, or other correspondence. Thus, this discovery request is unduly burdensome and only meant to harass PPL Electric.

16. Finally, the Company objects to the extent that the interrogatory seeks information protected by attorney-client privilege or the attorney work product doctrine. Under 52 Pa. Code § 5.321(c), the Complainant may only obtain discovery of non-privileged materials. However, Moyer-I-5 is broad enough in scope to cover materials that are protected by attorney-client privilege or the attorney work product doctrine.

F. OBJECTION TO MOYER-I-6

17. Moyer Set I, Question 6 requests the following:

6. All drawings, graphs, charts, photographs, other images, etc. related in any way to the Complainant.

18. PPL Electric objects to Moyer-I-6 on the grounds that the scope of the request is vague, overly broad, and unduly burdensome. The interrogatory requests “[a]ll drawings, graphs, charts, photographs, etc. related in any way to the Complainant” with little limitation as to scope, subject matter, or medium. As a result, Moyer-I-6 seeks materials that are unrelated to the issues raised by the Complainant in this proceeding. To answer this interrogatory, the

Company would have to expend considerable time, effort, and expense. Therefore, this request is vague, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

19. PPL Electric also objects to the extent that the interrogatory is not based on a proper purpose and is meant to harass the Company. The Company already provided information to the Complainant in response to this same question in his interrogatories dated June 4, 2012 and November 20, 2014. Thus, this interrogatory propounded by the Complainant is based on an improper purpose and is only meant to harass PPL Electric.

20. In addition, the Company objects to the extent that the interrogatory seeks information protected by attorney-client privilege or the attorney work product doctrine. Under 52 Pa. Code § 5.321(c), the Complainant may only obtain discovery of non-privileged materials. However, Moyer-I-6 may be broad enough in scope to cover materials that are protected by attorney-client privilege or the attorney work product doctrine.

G. OBJECTION TO MOYER-I-7 THROUGH MOYER-I-10

21. Moyer Set I, Questions 7 through 10 request the following:
7. All records of interactions related to the Complainant which may have occurred between the Office of Administrative Law Judge and employees or agents of PPL Electric.
 8. All records of interactions related to the Complainant which may have taken place between the staff of Administrative Law Judge Cynthia Williams Fordham and employees or agents of PPL Electric.
 9. All records of interactions related to the Complainant which may have taken place directly between Administrative Law Judge Cynthia Williams Fordham and employees or agents of PPL Electric.
 10. All records of interactions related to the Complainant which may have occurred between employees of the Public Utility Commission and employees or agents of PPL Electric.

22. PPL Electric objects to Moyer-I-7 through Moyer-I-10 on the grounds that the requests are irrelevant, not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, not based on a proper purpose, and meant to harass the Company. The Complainant's allegations of *ex parte* communications were summarily dismissed by the ALJ. See Order Granting in Part and Denying in Part Motion for Summary Judgment, Docket No. C-2015-2511904, pp. 9-12, 16 (Nov. 20, 2017). Therefore, these interrogatories are wholly irrelevant to the instant proceeding and are not reasonably calculated to lead to the discovery of admissible evidence. Additionally, PPL Electric never engaged in any improper or unlawful *ex parte* communications with the Office of Administrative Law Judge, the staff of Administrative Law Judge Cynthia Williams Fordham, or any other staff member of the Commission regarding any of the Complainant's Formal Complaints.

23. Further, any and all communications by PPL Electric to any staff member or division of the Commission regarding any of the Complainant's Formal Complaints were duly served on the Complainant.

24. For these reasons, any and all records of communications by and between PPL and the Commission regarding any of the Complainant's Formal Complaints are already in the Complainant's possession. Thus, this request is unduly burdensome, not based on a proper purpose, and meant to harass the Company.

H. OBJECTION TO MOYER-I-11

25. Moyer Set I, Question 11 requests the following:

11. All records, memos, notes, and other materials in the possession of PPL Electric that pertain to deliberations, recommendations, characterizations, or other discussions related to the Complainant.

26. PPL Electric objects to Moyer-I-11 on the grounds that the scope of the request is vague, overly broad, and unduly burdensome. The request has little limitation as to scope, time, or medium. Therefore, Moyer-I-11 encompasses materials that are unrelated to the issues raised by the Complainant in this proceeding. Thus, this request is vague, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

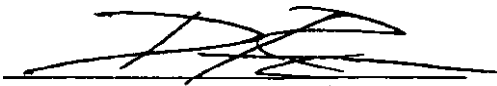
27. In addition, the Company objects to the extent that the interrogatory seeks information protected by attorney-client privilege or the attorney work product doctrine. Under 52 Pa. Code § 5.321(c), the Complainant may only obtain discovery of non-privileged materials. However, Moyer-I-11 is broad enough in scope to cover materials that are protected by attorney-client privilege or the attorney work product doctrine.

II. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation objects to the re-served Moyer Set I, Numbers 1 through 11 on the grounds that they are vague, overly broad, unduly burdensome, irrelevant, based on an improper purpose and use of discovery, not reasonably calculated to lead to the discovery of admissible evidence, and seeking privileged information and materials. Moreover, PPL Electric Utilities Corporation reserves the right to object to future interrogatories, requests for admissions, and requests for production of documents, including any instructions and definitions contained therein.

Respectfully submitted,

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Date: November 30, 2017

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November 30, 2017

VIA E-MAIL & REGULAR MAIL

Honorable Joel H. Cheskis
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400 North Street, 2nd Floor West
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Jay Larry Moyer v. PPL Electric Utilities Corporation
Docket Nos. C-2015-2511904

Your Honor:

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) respectfully submits this letter in response to Mr. Moyer’s (“Complainant”) letter dated November 28, 2017, which was filed in the above-captioned proceeding. In the letter, the Complainant objects to the telephonic evidentiary hearing scheduled for December 11, 2017, because: (1) he has filed a Petition for Review with the Commonwealth Court at Docket No. 1636 C.D. 2017; and (2) the hearing date does not afford him enough time to prepare for the hearing. PPL Electric herein opposes any continuation of the December 11, 2017 evidentiary hearing beyond 30 days.

First, the Complainant’s Petition for Review is frivolous and will very likely be quashed by the Commonwealth Court. Notably, the Complainant’s Petition for Review does not appeal from any final order of the Pennsylvania Public Utility Commission (“Commission”), as required by law. See Pa. R.A.P. 341; 42 Pa. C.S. § 763 (vesting the Commonwealth Court with “exclusive jurisdiction of appeals from final orders” of the Commission) (emphasis added); *Parkesburg Borough v. Pa. PUC*, 681 A.2d 872, 875-76 (Pa. Cmwlth. 1996) (citations omitted) (quashing petition for review because it was not appealing a final Commission order); *Duquesne Light Co. v. Pa. PUC*, 382 A.2d 991, 993-95 (Pa. Cmwlth. 1978) (citations omitted) (quashing petition for review because it was not appealing a final Commission order). Although Pa. R.A.P. 1701(a) generally provides that the Commission may no longer proceed in a matter if an appeal from a Commission order is taken, there is no appealable order in this Complaint proceeding at Docket C-2015-2511904. Therefore, even if the Complainant’s Petition for Review is not

ALLENTOWN HARRISBURG LANCASTER PHILADELPHIA PITTSBURGH PRINCETON WASHINGTON, D.C.

A PENNSYLVANIA PROFESSIONAL CORPORATION

Honorable Joel H. Cheskis
November 30, 2017
Page 2

properly quashed by the Commonwealth Court, such appeal would not act as a stay or otherwise remove the Commission's jurisdiction in this proceeding.

Second, the Complainant has had plenty of time to prepare for the evidentiary hearing. The hearing notice in this proceeding was issued on November 9, 2017, providing all parties over a month's notice to prepare for the hearing on December 11, 2017. Moreover, this proceeding began over two years ago in early November 2015, when PPL Electric was served with the Complainant's third Formal Complaint ("Third Complaint"). Thus, the Complainant has had over two years to prepare his case. In fact, since that time, the Complainant has repeatedly claimed that the instant proceeding has been moving too slow toward a final disposition. Indeed, this allegation formed the basis for the Complainant's Petition for Review filed at Docket No. 1636 C.D. 2017. Despite these claims, the Complainant now contends that the evidentiary hearing should not be held because the date of the hearing is too soon. Clearly, the Complainant's contradictory claims do not warrant a lengthy continuance of the hearing.

Finally, the issues to be decided in this case are discrete and limited to: (1) whether PPL Electric prepared and credited the Complainant's bills subject to the Third Complaint¹ in accordance with the applicable regulations and orders, including the Company's manual billing process approved by the Commission by its Order entered on May 19, 2016, at Docket Nos. C-2011-2273645 and C-2014-2444864 and affirmed by the Commonwealth Court on March 13, 2017, at Docket No. 882 C.D. 2016; (2) whether the Complainant's bills subject to the Third Complaint are accurate; and (3) whether the termination notices the Complainant received were for his failure to pay the undisputed amounts of his bills. Given the Complainant filed the Third Complaint over two years ago, he has had more than enough time to prepare for an evidentiary hearing on these simple and straightforward issues.

Both PPL Electric and the Commission have incurred significant time and expense responding to the Complainant's numerous and duplicative complaints and various filings. The facts and issues that are the genesis of the pending Third Complaint occurred over two years ago, and the parties have had more than sufficient time to prepare their respective cases. The Third Complaint is ripe for disposition, and PPL Electric submits that it is time to fully and finally address and resolve this matter without further delay.

To that end, PPL Electric respectfully submits that if the evidentiary hearing is to be continued, such continuance should not extend beyond 30 days.

¹ Although the Complainant filed a letter in the instant proceeding on July 28, 2017, alleging that he did not receive a credit on his July 2017 residential bill and raising an issue with a termination notice he received dated June 7, 2017, these claims are the subject of the Complainant's pending fourth Formal Complaint ("Fourth Complaint"), served on October 18, 2017, at Docket No. C-2017-2629683. Therefore, these issues are beyond the scope of the Third Complaint proceeding.

Honorable Joel H. Cheskis
November 30, 2017
Page 3

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Ryan', with a long horizontal line extending to the right.

Devin Ryan

DTR/jl

cc: Rosemary Chiavetta
Certificate of Service

Certificate of Service

Letter with attachments

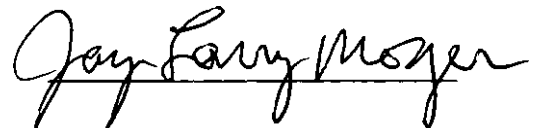
RE: Docket No. C-2015-2511904

I hereby certify that I have this day served a true copy of the foregoing Submittal upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

Via e-filing

Christopher T. Wright, Esquire
Post & Schell PC
17 North Second Street, 12th floor
Harrisburg, PA 17101-1601
(Served via USPS First Class Mail)

December 1, 2017



Jay Larry Moyer, Complainant
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R2305H126788-21

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