

Legal Department
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Direct Dial: 215-841-6863

December 19, 2017

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

RE: Robert Siemion v. PECO Energy Company
Docket No. C-2017-2615171

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company's Motion to Compel*.

Very truly yours,



Ward L. Smith
Counsel for PECO Energy Company

WS/ab
Enclosure

cc: Darlene D. Heep, ALJ
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Robert Siemion

v.

PECO Energy Company

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:
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:
:

Docket No. C-2017-2615171

NOTICE TO PLEAD

Pursuant to 52 Pa. Code § 5.342(g), you are hereby notified that, within (5) days, you must answer the enclosed Motion to Compel. 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.

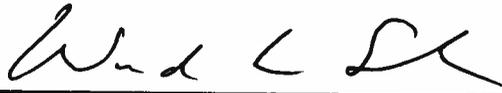
File with:

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, December 19, 2017



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**

Robert Siemion

v.

PECO Energy Company

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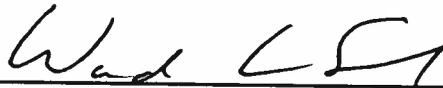
Docket No. C-2017-2615171

CERTIFICATE OF SERVICE

I, Ward L. Smith, hereby certify that I have this day served a copy of PECO Energy's Motion to Compel via e-mail and First Class Mail:

Robert Siemion
3215 Salmon Street
Philadelphia, PA 19134
gauncho55@yahoo.com

Dated at Philadelphia, Pennsylvania, December 19, 2017



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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|----------------------------|---|----------------------------------|
| ROBERT SIEMION | : | |
| Complainant | : | |
| v. | : | DOCKET NO. C-2017-2615171 |
| | : | |
| PECO ENERGY COMPANY | : | |
| Respondent | : | |

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

Pursuant to 52 Pa. Code § 5.342(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 October 17, 2017. PECO’s Interrogatories are attached as Exhibit A.

I. BACKGROUND

On or about July 20, 2017, Complainant filed a Formal Complaint alleging that PECO’s AMI meter will harm his health and will be used for inappropriate surveillance. The Complainant asked the Commission to prevent PECO from installing an electric AMI meter on his premises.

In its Answer, 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.

A hearing is scheduled to take place on February 12, 2018. As interim, preparatory steps for that hearing, on June 7, 2017 Administrative Law Judge Darlene D. Heep issued a Prehearing Order, setting the exchange of all expert and fact witness reports by December 18, 2017, and all hearing exhibits by January 29, 2018.

On October 17, 2017, PECO served upon Complainant its Set I Interrogatories and Requests for Production of Documents, which contained three (3) questions and/or document requests. To date, PECO has not received Complainant's responses to the company's discovery. Complainant did not serve expert and fact witness reports on December 18, 2017. PECO therefore respectfully requests that the Commission issue an Order compelling Complainant 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 ITS DISCOVERY REQUESTS IS RELEVANT TO PECO'S DEFENSE OF THE CLAIMS MADE IN THE FORMAL COMPLAINT

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 Complainant's home, including cell phones that produce radio frequency fields. PECO additionally seeks information regarding the cellphone usage in the Complainant's household. The information requested is relevant to this proceeding because the PECO intends to show that, given Complainant's many everyday exposures to radio frequency fields from other sources, it is not plausible for him to claim that the minor incremental radio frequency fields from PECO's AMI meter could adversely affect his health. The requested information will be used to establish the baseline of Complainant's other everyday exposures to radio frequency fields.

PECO has also requested any medical records that state or which are relied upon for the conclusion that exposure to radio frequency fields in general, or PECO's AMI meter in particular, caused, contributed to, or exacerbated (or will cause, contribute to, or exacerbate) any adverse health effect in Complainant. This information is relevant to Complainant's claim that PECO's AMI meters have harmed or will harm his health.

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. Some of this information will be used by PECO in developments of its hearing exhibits, which are due on January 29, 2018. PECO therefore requests that Complainant be required to provide the requested information no later than January 22, 2018.

Respectfully submitted,



Ward Smith, Assistant General Counsel
Shawane Lee, Assistant General Counsel
2301 Market Street, S-23
Philadelphia, PA 19103
215-841-6863
ward.smith@exeloncorp.com
Counsel for PECO Energy

December 19, 2017

EXHIBIT A



PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Your filing has been electronically received. Upon review of the filing for conformity with the Commission's filing requirements, a notice will be issued acknowledging acceptance or rejection (with reason) of the filing. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

The date filed on will be the current day if the filing occurs on a business day before or at 4:30 p.m. (EST). It will be the next business day if the filing occurs after 4:30 p.m. (EST) or on weekends or holidays.

Print this page for your records.



| eFiling Confirmation | |
|------------------------------|----------------------------------------------------------------------|
| Docket Number: | C-2017-2615171 |
| Description: | Robert Slemion - Discovery Requests - Set I - Certificate of Service |
| Transmission Date: | 10/17/2017 10:08:45 AM |
| Filed On: | 10/17/2017 10:08:45 AM |
| eFiling Confirmation Number: | 1696319 |

Uploaded File List

| File Name | Document Class | Document Type |
|-------------------------|----------------|------------------------|
| Robert Slemion- COS.pdf | Other Filing | Certificate of Service |

For filings exceeding 260 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 3266, Harrisburg, PA a copy of the filing confirmation page or reference the filing confirmation number on the first page of the paper copy.



An Exelon Company

Legal Department
2301 Market Street / S23-1
P.O. Box 8699
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Direct Dial: 215-841-6841

Email: shawana.lee@exeloncorp.com

October 17, 2017

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

**RE: Robert Stennion v. PECO Energy Company
Docket No. C-2017-2615171**

Dear Ms. Chiavetta:

Today PECO Energy Company served its Interrogatories and Requests for Production of Documents, Set I, 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 "Shawane L. Lee".

Shawane L. Lee
Counsel for PECO Energy Company

SL/ab
Enclosure

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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|----------------------------|---|----------------------------------|
| ROBERT SIEMION | : | |
| Complainant | : | |
| v. | : | DOCKET NO. C-2017-2615171 |
| | : | |
| PECO ENERGY COMPANY | : | |
| Respondent | : | |

CERTIFICATE OF SERVICE

Shawane L. Lee, Esquire, hereby certifies that the Interrogatories and Requests for Production of Documents Directed to the Complainant, Robert Siemion was served this date upon all counsel and parties listed below, by placing same in the United States first class mail, postage prepaid.

Robert Siemion
3215 Salmon Street
Philadelphia, PA 19134
Via First Class Mail
Via Email - gauncho55@yahoo.com



Ward Smith
Shawane L. Lee
Assistant General Counsel
PECO Energy Company

Dated: October 17, 2017

PENNSYLVANIA PUBLIC UTILITY COMMISSION

ROBERT SIEMION
Complainant

v.

PECO ENERGY COMPANY
Respondent

:
:
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:
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:

DOCKET NO. C-2017-2615171

NOTICE TO PLEAD

To: Robert Siemion

Pursuant to 52 Pa. Code §5.342, you are hereby notified that if you have any objections to these questions you must serve those objections, within writing, within 10 days of receipt of this discovery. If you do not object, then you must answer these questions, in full and in writing, 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 answer 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:

Shawane L. Lee, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, October 17, 2017



Shawane L. Lee
Assistant General Counsel
PECO Energy Company
2301 Market Street S23-1
Philadelphia, PA 19103

PENNSYLVANIA PUBLIC UTILITY COMMISSION

ROBERT SIEMION :
Complainant :
v. : DOCKET NO. C-2017-2615171
: :
PECO ENERGY COMPANY :
Respondent :

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

Respondent PECO Energy Company ("PECO") hereby submits the following Interrogatories and Requests for Production of Documents, Set 1, upon Complainant Robert Siemion, 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 (including appliances and equipment) used by complainant(s) anywhere, and the type (with make and model) of all devices used in complainant(s)' home, that produce radio-frequency fields (including cell phones, cordless phones connected to a landline, microwave ovens, wireless Internet access, Wi-Fi routers, remote TV controls, garage door openers, and other wireless-controlled devices).

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 six months of phone bills or other usage records with sufficient detail to show actual usage for that period.

PECO Interrogatory 1-3:

A. Please provide all medical records, including diagnostic and all other test results, of complainant(s) and any resident of complainant(s) household (i.e., records for each person):

- 1) that relate in any way to any of the medical or health-related conditions or symptoms identified in the complaint that it is claimed was or will be caused or made worse by a PECO AMI meter; and**
- 2) that relate in any way to any of the medical or health-related conditions or symptoms identified in the complaint that it is claimed was or will be caused by or made worse by exposure to radiofrequency fields.**

B. Please identify each symptom of each medical or health-related condition identified in the complaint that it is claimed was caused by exposure to a PECO AMI meter or radio frequency fields and identify by person each symptom, condition, exposure claimed to cause the symptom, and date (if the date is not known, the month or season) and year each person first began to experience the symptom.



Ward Smith
Shawane L. Lee
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PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19103
215-841-6863
Ward.Smith@exeloncorp.com

Dated: October 17, 2017