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February 8, 2018

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120


Re: Diane Distefano v. Metropolitan Edison Company
Docket No. C-2017-2631007

Dear Secretary Chiavetta:

Enclosed please find the Motion to Compel of Metropolitan Edison Company with regard to the above-captioned matter. This document has been served on the Complainant as shown in the Certificate of Service.

Please contact me if you have any questions regarding this matter.

Very truly yours,


Lauren M. Lepkoski

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Enclosures

c: As Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DIANE DISTEFANO

v.

METROPOLITAN EDISON COMPANY

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Docket No. C-2017-2631007

NOTICE TO PLEAD

TO: Diane Distefano

Pursuant to 52 Pa. Code § 5.371(b), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion to Compel of Metropolitan Edison Company within **five (5) days** from the service of the Notice, the facts set forth by Metropolitan Edison Company in the Motion may be deemed to be true, thereby requirement no other proof. All pleading, such as a Reply to Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy service to counsel for Metropolitan Edison Company, and where applicable, the Administrative Law Judge presiding over the case.

File with:

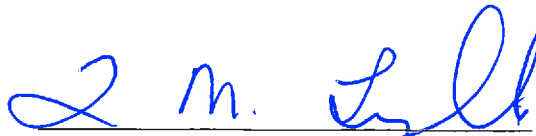
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

With a copy to:

Administrative Law Judge Jeffrey A. Watson
Pennsylvania Public Utility Commission
Piatt Place
Suite 220
301 5th Avenue
Pittsburgh, PA 15222

Lauren M. Lepkoski
Tori L. Giesler
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, Pennsylvania 19612-6001

Date: February 8, 2018


Lauren M. Lepkoski, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DIANE DISTEFANO

v.

METROPLITAN EDISON COMPANY

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Docket No. C-2017-2631007

**MOTION OF METROPOLITAN EDISON COMPANY TO COMPEL RESPONSES TO
INTERROGATORIES AND DOCUMENT REQUESTS**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Metropolitan Edison Company (“Met-Ed” or the “Company”) by and through its attorneys, Lauren M. Lepkoski and Tori L. Giesler, and pursuant to 52 Pa. Code §§ 5.371-5.372, hereby files this Motion to compel Diane Distefano (“Complainant”) to provide full and complete responses to interrogatories and document requests issued by the Company on January 23, 2018. In support thereof, the Company avers as follows:

I. BACKGROUND

1. On or about October 27, 2017, the Complainant filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission”) regarding 111 Brittany Court, Red Lion, Pennsylvania 17356 (“Service Location”) under Account No. 100034436194 (“Account”) which was electronically served on the Company on October 27, 2017.

2. On November 16, 2017, the Company filed its Answer and New Matter denying the material allegations. On the same day, the Company also filed Preliminary Objections to the Formal Complaint.

3. On December 5, 2017, the Complainant filed a Reply to Objections which also contained a Response to New Matter which was dated December 3, 2017.

4. On January 4, 2018, Administrative Law Judge (“ALJ”) Jeffrey A. Watson was assigned as the Presiding Officer in the above-captioned proceeding.

5. On January 8, 2018, ALJ Watson issued an Interim Order, which denied the Company’s Preliminary Objections and referred the Formal Complaint for mediation review.

6. On January 19, 2018, an Interim Order Setting Resolution Conference was issued, which required the parties to hold a conference regarding possible resolution of the Formal Complaint no later than February 16, 2018 and ordering the Company to file a report with Mediator Cynthia Lehman no later than February 26, 2018.

7. On January 23, 2018, in accordance with 52 Pa. Code § 5.341, the Company forwarded to the Complainant interrogatories and document requests (“Discovery Requests”) via first class mail. In its Discovery Requests, the Company sought information and documents related to the Complainant’s allegations regarding the Company’s smart meters.

8. On January 29, 2018, the Complainant filed objections to all the Company’s Discovery Requests. The Complainant objects on the grounds that the Discovery Requests: (i) are unreasonable, a burden and expense in addition to requesting an unreasonable amount of time to comply in entirety (by February 13, 2018); (ii) the questions pertaining to personal health, medications taken, or that of household members is privileged information subject to Health Information Portability and Accountability Act (“HIPPA”), and irrelevant to the complaint as was submitted; (iii) questions pertaining to possession of personal items and the location within the household is also irrelevant; and (iv) requesting a written detailed employment history is also irrelevant.

9. A full copy of the Company's Discovery Requests is attached as Exhibit A.

10. A full copy of the Complainant's Objections to the Company's Discovery Requests is attached as Exhibit B.

II. MOTION TO COMPEL

A. The Complainant's Claim That The Information Being Sought Is Unreasonable, A Burden, And An Expense Is Not A Valid Basis For Objection

11. The Complainant's general objection to all the Company's Discovery Requests, claiming the Discovery Requests are unreasonable, a burden and expense in addition to requesting an unreasonable amount of time to comply in entirety (by February 13, 2018), is not a valid objection. The Discovery Requests are directly relevant and material to the issues raised by the Complainant in both her Formal Complaint as well as her responsive pleading.

12. Discoverable matter under the Commission's regulations is matter that is relevant and not privileged. 66 Pa.C.S. § 333(d). The standard for permissible discovery is set forth in the Commission's regulations at 52 Pa. Code § 5.321(c) as follows:

§ 5.321. Scope.

(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 ground 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.

13. There are limitations on discovery. Those limitations are set forth in the Commission's regulations at 52 Pa. Code § 5.361(a)-(c) as follows:

§ 5.361. Limitation of scope of discovery and deposition.

- (a) Discovery or deposition is not permitted which:
 - (1) Is sought in bad faith.
 - (2) Would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party.
 - (3) Relates to matter which is privileged.
 - (4) Would require the making of an unreasonable investigation by the deponent, a party or witness.
- (b) In rate proceedings, discovery is not limited under subsection (a) solely because the discovery request requires the compilation of data or information which the answering party does not maintain in the format requested, in the normal course of business, or because the discovery request requires that the answering party make a special study or analysis, if the study or analysis cannot reasonably be conducted by the party making the request.
- (c) If the information requested has been previously provided, the answering party shall specify the location of the information.

14. Discovery may be obtained regarding any matter relevant to the subject matter. Relevant evidence is evidence that tends to make an act at issue more or less probable. Moreover, evidence is relevant if it advances the inquiry in some degree and, thus, has probative value. Although the law does not furnish an absolute test of relevancy, the Pennsylvania Supreme Court follows a two-part analysis for determining relevance. In *Commonwealth v. Stewart*, 461 Pa. 274, 336 A.2d 282 (1975), the Court held that “[i]t must be determined first if the inference sought to be raised by the evidence bears upon a matter at issue in this case and, second, whether the evidence renders the desired inference more probable than it would be without the evidence. *Id.* at 284.

15. The information sought here by the Company is relatively simple and straightforward. It is directly relevant and material to the issues raised by the Complainant in both her Formal Complaint as well as her responsive pleading. The Company is entitled to the requested information to enable it to fully investigate what information the Complainant relied on to make the specific and detailed allegations she did in her Formal Complaint as well as responsive pleading. If the Complainant needs more time to answer the Company’s Discovery Requests, she

could have contacted the Company to request an extension rather than filing Objections to all of the Company's Discovery Requests.

16. Furthermore, the mere fact that production the material sought causes a burden or expense to the producing party generally does not serve as preclusion to that material being found to be discoverable. Rather, to be omitted from discovery, the items sought must be found to cause an *unreasonable* burden or expense. In this case, given that the material sought is directly relevant to the dispute at hand, and the answers seek straightforward responses to those claims raised by the Complainant, it cannot be argued that it is unreasonable for the Company to request such material.

B. The Complainants' General Claim That The Information Being Sought Regarding Personal Health Is Irrelevant And Is Privileged Under HIPPA Is Misplaced

17. The Complainant makes another general claim that the Company's Discovery Requests pertaining to personal health is irrelevant to the complaint submitted and subject to HIPPA. The Complainant makes several claims throughout her Formal Complaint and responsive pleadings that the installation of a smart meter will affect the health of her as well as other occupants of the home. Specifically, the Complainant states in her responsive pleading, "Met-Ed has never requested health information from the complainant; however, health affects from a smart meter can be demonstrated, and shown that installation of such is detrimental to the health of the occupant(s)." Therefore, the Discovery Requests are directly relevant and material to the issues raised by the Complainant in both her Formal Complaint as well as responsive pleading. The Company is entitled to the requested information to enable it to fully investigate what information the Complainant relied on to make the specific and detailed allegations she did in her Formal

Complaint and responsive pleading as well as what she intends to rely on to support her claims at any evidentiary hearings to be held in this matter.

18. Under HIPPA, individually identifiable medical information cannot be disclosed by covered entities (health care providers) without the consent of the individual. The Company is not requesting the Complainant's health care provider to disclose information. The Company is requesting the Complainant to provide the Company with the evidentiary support in her possession for the claims she has made in her Formal Complaint. In fact, if the Complainant intends to pursue her claim that the smart meter will affect her health, she will have to provide support at an evidentiary hearing. Therefore, the Complainant's objection that she cannot provide the Company her own medical information to support her claims under HIPPA is misplaced. Even if HIPPA did apply, HIPAA permits disclosure of protected health information pursuant to a court order.¹ As explained above, the information the Company is seeking in its Discovery Requests are relevant and material to this proceeding.

C. The Complainants' General Claim That The Information Being Sought Regarding Possession Of Personal Items In Her Home Is Irrelevant Is Not Valid

19. The Complainant also makes a general claim that the Company's Discovery Requests pertaining to her possession of personal items is irrelevant to the complaint submitted. The Company believes that the Complainant is referring to the Company's Discovery Requests Nos. 9 through 12. As stated above, the Complainant makes several claims throughout her Formal Complaint and responsive pleadings that the installation of a smart meter will affect the health of her as well as other occupants of the home. The Company is trying to understand whether her health concerns may be due to radio frequency ("RF") levels emitted by other appliances or devices that the Complainant may have in in her household. Therefore, these questions are directly

¹ 45 C.F.R § 164.512(e)(1)(i).

relevant and material to the issues raised by the Complainant in both her Formal Complaint as well as her responsive pleading

D. The Complainants' General Claim That The Information Being Sought Regarding Detailed Employment History Is Irrelevant Is Not Valid

20. The Complainant makes another general claim that the Company's Discovery Requests pertaining to her detailed employment history is irrelevant to the complaint submitted. The Company's Discovery Requests regarding the Complainant's employment history are geared towards trying to offer the Company an understanding of what qualifications the Complainant has to make the factual averments she has in her Formal Complaint and responsive pleading. Therefore, these questions are relevant and material to the issues raised by the Complainant in her Formal Complaint and responsive pleadings.

21. The Commission's regulations at 52 Pa. Code § 5.371 address the consequences of a participant's failure to comply with the Commission's discovery regulations. Section 5.371 provides that:

- (a) The Commission or the presiding officer may, on motion, make an appropriate order if one of the following occurs:
 - (1) A party fails to appear, answer, file sufficient answers, file objections, make a designation or otherwise respond to discovery requests, as required under this subchapter.

22. Further, 52 Pa. Code § 5.372 provides that the presiding officer may impose appropriate sanctions upon a party found to be found in violation of the obligations set forth in the Commission's regulations.

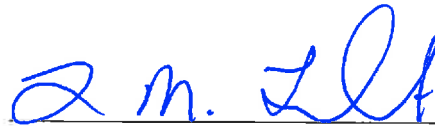
23. The Company requests that the Complainant be directed to provide full and complete responses to the Discovery Requests to be received by the undersigned counsel for the Company within five business days after entry of an Order Granting the Motion to Compel.

24. In the event the Complainant are directed by the Commission, but fail to respond to the Company's Discovery Requests, the Company respectfully requests that the Complaint against the Company be dismissed in its entirety.

WHEREFORE, Metropolitan Edison Company respectfully requests that the Commission issue an Order compelling the Complainant to fully and completely respond to the Discovery Requests such that the responses are received by counsel for the Company no later than five business days after entry of an Order on the Motion to Compel. Further, in the event the Complainant do not comply with the Order directed by the Commission and fails to respond to the Company's Discovery Requests, the Company respectfully requests that the Commission dismiss in its entirety the Formal Complaint of Diane Distefano.

Respectfully submitted,

Dated: February 8, 2018



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(330) 315-9263 (Fax)

610-929-3601

January 23, 2018

VIA FIRST CLASS MAIL

Diane Distefano
111 Brittany Court
Red Lion, Pennsylvania 17356

Re: Diane Distefano v. Metropolitan Edison Company
Docket No. C-2017-2631007

Dear Ms. Distefano:

Enclosed please find the Interrogatories and Requests for Production of Documents (Set I) to Diane Distefano. Pursuant to 52 Pa. Code §§ 5.341 and 5.349, *et seq.*, your answers are due within twenty days of service of this letter (February 13, 2018). In addition, any objections are due within ten days of service of this letter (February 3, 2018). This document has been served as indicated within the Certificate of Service.

Very truly yours,

A handwritten signature in blue ink, appearing to read "L. M. Lepkoski".

Lauren M. Lepkoski

Enclosures

- c: As Per Certificate of Service
The Honorable Jeffrey A. Watson, Public Utility Commission (Cover Letter and Certificate)
Rosemary Chiavetta, Esq., Public Utility Commission (Cover Letter and Certificate)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DIANE DISTEFANO

v.

METROPOLITAN EDISON COMPANY

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Docket No. C-2017-2631007

**INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS OF
METROPOLITAN EDISON COMPANY TO DIANE DISTEFANO, SET I**

Metropolitan Edison Company hereby propounds these Interrogatories and Requests for Production of Documents (Set I) to Diane Distefano (the “Complainant”). Telephone or other contact concerning availability and timing of formal responses is encouraged. The answer to each interrogatory should be started on a new page. The answers should restate the question asked and indicate the person(s) supplying the information.

Pursuant to 52 Pa. Code § 5.342, you must send your answers to me within 20 days (February 13, 2018) and objections within 10 days (February 3, 2018). Your answers and objections should not be filed with the Pennsylvania Public Utility Commission. You should only file the cover letter and certificate of service, with the Commission’s Secretary Rosemary Chiavetta and send a copy to Administrative Law Judge Jeffrey A. Watson. If you have any objection to any of the interrogatories or the request for documents, please identify the interrogatory or request and state your objection in full as to why you should not have to answer/produce it. Any objection not raised within the 10-day period provided for by 52 Pa. Code § 5.342(c) will be deemed waived and you will not be permitted to raise the objection at a later time.

Dated: January 23, 2018

INSTRUCTIONS

A. In answering these Interrogatories and Requests for Production of Documents, please furnish all information available to you, including any such information possessed by others that you can obtain, and not merely such information known of your own personal knowledge. If you cannot answer the Interrogatories and Requests in full after exercising due diligence to secure the information to do so, so state and answer to the extent possible.

B. Other than for the reasons identified herein, you must provide an answer to all Interrogatories and Requests for Production of Documents. If the answer to the question is “none” or “unknown,” such statement must be written in the answer. If you consider the question to be inapplicable, “N/A” must be written in the answer. If an answer is omitted because of a claim of privilege, the basis of privilege is to be stated.

C. If the answer to any of the Interrogatories and Requests for Production of Documents is that you lack knowledge of some or all of the requested information, describe all efforts made by you to obtain the information necessary to answer that Interrogatory or Request.

D. These Interrogatories and Requests for Production of Documents are to be deemed continuing in nature, and you shall promptly supply, by way of supplemental response, any additional responsive information that may become known to you or anyone acting on your behalf after your answers have been prepared or served.

E. As used herein, the terms “Complainant” and “you” refer to Diane Distefano and her attorneys, agents, or representatives.

F. As used herein, the terms “Company” or “Respondent” refer to Metropolitan Edison Company, and any agent, agency, or affiliate thereof.

G. As used herein, the term “proceeding” refers to the instant complaint proceeding at the Pennsylvania Public Utility Commission at Docket No. C-2017-2631007.

H. As used herein, the terms “service location,” “property,” or “home” refer to your service address of 111 Brittany Court, Red Lion, Pennsylvania 17356.

I. As used herein, the term “household” refers to you and all other individuals who reside at the service location.

J. As used herein, the terms “document” or “documentation” includes any written, printed, typed, recorded, or graphic matter, whether produced or reproduced or stored on paper, cards, tapes, film, electronic facsimile, computer storage devices or any other devices or media, including, but not limited to papers; books; letters; photographs; objects; tangible things; correspondence; e-mails; websites; webpages; telegrams; cables; telex messages; memoranda; medical records; notes; notations; records; work papers; transcripts; minutes; reports and recordings of telephone or other conversations, or of interviews, or of conferences, or of other meetings; affidavits; statements; opinions; proposals; reports; surveys; plans; studies; analyses; audits; evaluations; contracts; agreements; journals; statistical records; invoices; receipts; desk calendars; appointment books; diaries; lists; tabulations; summaries; sound recordings; computer printouts; data processing input and output; microfilms; all records kept by electronic, photographic, or mechanical means; and things similar to any of the foregoing, however denominated. When one or more of the foregoing documents is requested or referred to, the request or reference shall include, but is not limited to, the original and each and every copy and draft thereof having writings, notations, corrections, or markings unique to such copy or draft.

K. As used herein, all other words are to be given their ordinary and usual meanings, according to a current edition of Webster’s Dictionary.

**INTERROGATORIES OF METROPOLITAN EDISON COMPANY TO DIANE
DISTEFANO, SET I**

1. Do you believe the installation of a smart meter at your property would create or worsen health issues for a member of your household?

2. If the answer to question 1 is yes, please provide the following information for each household member:
 - a. Name;

 - b. Age;

 - c. The specific health issues that you believe would be experienced after the smart meter is installed;

 - d. Whether the household member is already experiencing the specific health issues;

 - e. Whether the household member has experienced the specific health issues within the last four years;

 - f. Any medication prescribed to the household member; and

 - g. Whether the household member has visited a medical professional for the specific health issue, and if so, the name, address, and phone number of the medical professional and the date of the visit(s) to the medical professional.

 - h. Whether a medical professional has determined that the installation of a smart meter would create or worsen the specific health issue.

3. Please explain how the installation of a smart meter would create or worsen health issues for your household members. Be as specific as possible.
4. Please provide the following information in support of your position that health issues at your household would be created or worsened by the installation of a smart meter.
 - a. Please identify each document you rely on in support of your position.
 - b. Do you intend to rely on these documents at the time of the hearing in this proceeding?
 - c. Please describe in detail all information you have to support this position.
 - d. Do you have any relevant educational or work background that qualifies you to assert this position?
 - e. If yes, please identify the relevant educational or work background that qualifies you to assert this position.
5. Would you consider yourself a medical professional?
 - a. If yes, please identify your medical professional title, relevant educational experience, and relevant work experience.
6. Do you believe the installation of a smart meter at your property would have an impact on radio frequency (“RF”) at your home?

7. If yes to question 6, please specifically identify all of the RF impacts associated with the installation of a smart meter.
8. Please provide the following information regarding your position related to the RF impact of a smart meter:
 - a. Please identify each document you rely on in support of this position.
 - b. Do you intend to rely on these documents at the time of the hearing in this proceeding?
 - c. Please describe in detail all information you have to support this position.
 - d. Do you have any relevant educational or work background that qualifies you to assert this position?
 - e. Is yes, please identify relevant educational or work background that qualifies you to assert this position.
9. Are there any cordless phones used in your home?
 - a. Do you use a cellular phone?
 - b. Does anyone in your home use a cellular phone?
 - c. How many cellular phones are in use at your home?
10. Is there a microwave oven at the service location?
 - a. If yes, where is it located?

11. Is there satellite television at the service location?
 - a. If yes, where is it located?
12. Is there a laptop computer at the service location?
 - a. If yes, where is it located?
13. Do you believe the installation of a smart meter at your property would create safety concerns for a member of your household?
14. If the answer to question 13 is yes, please specifically identify each of your safety concerns related to smart meters.
15. Please provide the following information regarding your position that the installation of a smart meter would create safety concerns:
 - a. Please identify each document you rely on in support of the position.
 - b. Do you intend to rely on these documents at the time of the hearing in this proceeding?
 - c. Please describe in detail all information you have to support this position.
 - d. Do you have any relevant educational or work background that qualifies you to assert this position?
 - e. If yes, please identify the relevant educational or work background that qualifies you to assert this position.

16. Do you believe the installation of a smart meter at your property would violate the privacy or security of a member of your household?
17. If yes to question 16, please specifically describe each of your concerns regarding your household's privacy or security after the installation of a smart meter.
18. Please provide the following information regarding your position that the installation of a smart meter would violate your household's privacy or security:
 - a. Please identify each document you rely on in support of the position.
 - b. Do you intend to rely on these documents at the time of the hearing in this proceeding?
 - c. Please describe in detail all information you have to support this position.
 - d. Do you have any relevant educational or work background that qualifies you to assert this position?
 - e. Is yes, please identify the relevant educational or work background that qualifies you to assert this position.
19. To your knowledge, has a smart meter been installed by the Company at your property?
20. Please describe in detail how you believe a smart meter operates.

21. In your complaint, you state that “[t]he utility has provided misleading documentation of how the ‘smart meter’ operates.” Please provide the following information related to this statement:
- a. What documents do you rely on in support of this statement?
 - b. Do you intend to rely on these documents at the time of the hearing in this proceeding?
 - c. Please describe in detail the information you have to support this statement.
 - d. Do you have any relevant educational or work background that qualifies you to make this statement?
 - e. Is yes, please identify the relevant educational or work background that qualifies you to make this statement.
 - f. Please identify the specific documents provided to you by the Company which you believe to be misleading.
 - g. What specific information contained within the referenced documents is misleading?
22. In your complaint, you state: “Utility ‘smart meters’ are subjecting homeowners and occupants to an experiment without consent, which is in violation of the Nuremburg Code.” Please provide the following information related to this statement.
- a. What documents do you rely on in support of this statement?

- b. Do you intend to rely on these documents at the time of the hearing in this proceeding?
 - c. Please describe in detail the information you have to support this statement.
 - d. Do you have any relevant educational or work background that qualifies you to make this statement?
 - e. If yes, please identify the relevant educational or work background that qualifies you to make this statement.
23. In your complaint, you state: “The design of the ‘smart meter’ is not compatible with my residential home wiring . . .” Please provide the following information related to this statement.
- a. What documents do you rely on in support of this statement?
 - b. Do you plan to rely on these documents at the time of hearing in this proceeding?
 - c. Please describe in detail the information you have to support this statement.
 - d. Do you have any relevant educational or work background that qualifies you to make this statement?
 - e. If yes, please identify the relevant educational or work background that qualifies you to make this statement.
 - f. Have you ever installed a smart meter on a residence?

- g. What specifically about the design of the Company's smart meter renders it "incompatible with [your] home wiring?"
24. In your complaint, you indicate that "the operation of [a smart meter] reduces the lifespan of household appliances." Please provide the following information related to this statement.
- a. What documents do you rely on in support of this statement?
 - b. Do you plan to rely on these documents at the time of hearing in this proceeding?
 - c. Please describe in detail the information you have to support this statement.
 - d. Do you have any relevant educational or work background that qualifies you to make this statement?
 - e. If yes, please identify the relevant educational or work background that qualifies you to make this statement.
 - f. Does operation of a smart meter reduce the lifespan of all household appliances?
 - g. Please identify all your household appliances which you believe will have a reduced lifespan as a result of the installation and operation of the Company's smart meter.

- h. What is different about the operation of a smart meter from the operation of a traditional meter that causes the operation of a smart meter to reduce the lifespan of household appliances?

- 25. In your complaint, you state: “The utility is not providing evidence of liability for potential damages caused by their ‘smart meters’ . . .” Please provide the following information related to this statement.
 - a. What documents do you rely on in support of this statement?

 - b. Do you plan to rely on these documents at the time of hearing in this proceeding?

 - c. Please describe in detail the information you have to support this statement.

 - d. Do you have any relevant educational or work background that qualifies you to make this statement?

 - e. If yes, please identify the relevant educational or work background that qualifies you to make this statement.

- 26. Please list the specific issues you intend to raise at the hearing in this proceeding.

- 27. Please identify the legal support, including specific citations, for each issue identified in question 26.

- 28. Please list the factual support for each issue identified in question 26.

29. Please provide the following information for all witnesses you intend to call to testify at the hearing in this proceeding.
 - a. Provide the full name of the witness.
 - b. Provide the contact information of the witness.
 - c. Provide the title or position held by the witness.
 - d. Provide the educational background of the witness.
 - e. Provide the employment background of the witness.
 - f. Provide the scope of the testimony for the witness.
30. Would any witness identified in question 29 be offered as an expert?
 - a. If yes, provide the curriculum vitae of the witness and state the scope of the testimony of the expert witness.
31. Please describe in detail your educational background.
 - a. Please list any relevant certificates, trainings, or degrees that you obtained.
 - b. Please provide a description of the certificate, training, or degree.
 - c. Please provide the date that any certificate, training, or degree was obtained.
 - d. Please provide the name and address of the institution which provided the certificate, training, or degree.
32. Please describe in detail your employment history.

- a. Please provide your employer name and address.
- b. Please provide the title of your position.
- c. Please provide the dates of your employment.
- d. Please provide the duties performed in your position.

**REQUESTS FOR PRODUCTION OF DOCUMENTS OF METROPOLITAN EDISON
COMPANY TO DIANE DISTEFANO, SET I**

33. Please provide copies of all documentation supporting your position that the health issues of your household would be created or worsened by the installation of a smart meter.
34. Please provide copies of all documentation associated with visits by members of your household to a medical professional related to the health issues identified in question 1.
35. Please provide copies of all documentation you intend to refer to at the hearing in this proceeding related to the impact of smart meters on a person's health.
36. Please provide copies of all documentation supporting your position that smart meters would create safety issues for you or members of your household.
37. Please provide copies of all documentation you intend to refer to at the hearing in this proceeding related to the safety concerns of smart meters.
38. Please provide copies of all documentation supporting your position related to the RF impact of smart meters.
39. Please provide copies of all documentation you intend to refer to at the hearing in this proceeding related to the RF impact of smart meters.

40. Please provide copies of all documentation supporting your position that smart meters would violate the privacy or security of your household.
41. Please provide copies of all documentation you intend to refer to at the hearing in this proceeding supporting your position that smart meters would violate the privacy or security of your household.
42. Please provide a copy of all proposed exhibits you intend to submit for the hearing in this proceeding.
43. Please provide copies of all documentation you are relying upon in support of your positions in this proceeding.
44. Please provide copies of all documentation you referenced, referred to, or relied upon in any way in providing your responses to these discovery requests.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DIANE DISTEFANO

v.

METROPOLITAN EDISON COMPANY

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Docket No. C-2017-2631007

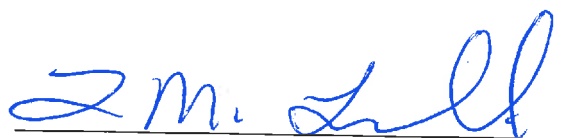
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Interrogatories and Requests for Production of Documents of Metropolitan Edison Company to Diane Distefano, Set 1, upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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

Diane Distefano
111 Brittany Court
Red Lion, Pennsylvania 17356

Dated: January 23, 2018



Lauren M. Lepkoski
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, Pennsylvania 19612-6001
(610) 921-6203
llepkoski@firstenergycorp.com

Diane Distefano
111 Brittany Court
Red Lion, Pennsylvania 17356

January 29, 2018

VIA FIRST CLASS MAIL

Lauren M Lepkoski
2800 Pottsville Pike
P.O. Box 16001
Reading, PA 19612-6001

Re: Diane Distefano v. Metropolitan Edison Company
Docket No. C-2017-2631007

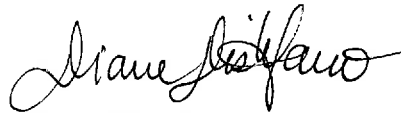
Dear Ms. Lepkoski:

Enclosed please find the **Objections to the Interrogatories and Requests for Production of Documents** (Set I) to Lauren Lepkoski, FirstEnergy Service Company on January 23, 2018. Objections filed Pursuant to 52 Pa. Code §§ 5.361 **Limitation of scope of discovery and deposition** section (a) Discovery or deposition is not permitted which states:

- (1) Is sought in bad faith.
- (2) Would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party.
- (3) Relates to matter which is privileged.
- (4) Would require the making of an unreasonable investigation by the deponent, a party or witness.

This document has been served as indicated within the Certificate of Service.

Sincerely,



Diane Distefano

Enclosures

c: As Per Certificate of Service
The Honorable Jeffrey A. Watson, Public Utility Commission (Cover Letter and Certificate)
Rosemary Chiavetta, Esq., Public Utility Commission (Cover Letter and Certificate)

RECEIVED

FEB 05 2018

LEGAL DEPT.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Diane Distefano

v.

METROPOLITAN EDISON COMPANY

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Docket No. C-2017-2631007

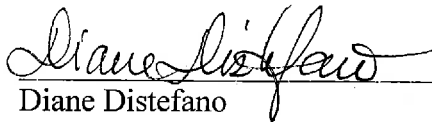
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the **Objections to Interrogatories and Requests** to the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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

Lauren M. Lepkoski
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, Pennsylvania 19612-6001

Dated: February 1, 2018



Diane Distefano
111 Brittany Court
Red Lion, Pennsylvania 17356

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Diane Distefano

v.

METROPOLITAN EDISON COMPANY

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Docket No. C-2017-2631007

**OBJECTIONS TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF
DOCUMENTS OF METROPOLITAN EDISON COMPANY TO DIANE DISTEFANO,
SET I**

Pursuant to Pa. Code §§ 5.361 Limitation of scope of discovery and deposition

section (a) Discovery or deposition is not permitted which states:

- (1) Is sought in bad faith.
- (2) Would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party.
- (3) Relates to matter which is privileged.
- (4) Would require the making of an unreasonable investigation by the deponent, a party or witness.

A sixteen page document was received by the Complainant on January 27, 2018 from the Respondent with at least 100 questions and parts thereof including request for written documentation to support answers for each one of these, and is unreasonable, a burden and expense in addition to requesting an unreasonable amount of time to comply in entirety (by February 13, 2018). In addition, questions pertaining to personal health, medications taken, or that of household members is privileged information, subject to HIPPA, and irrelevant to the complaint as it was submitted. Additionally, questions pertaining to possession of personal items and the location within the household is also irrelevant to this complaint. Requesting a written detailed employment history is also irrelevant to this complaint. Pursuant to the Pa. Code above, the requests for these interrogatories are objected to.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DIANE DISTEFANO

v.

METROPOLITAN EDISON COMPANY

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Docket No. C-2017-2631007

CERTIFICATE OF SERVICE

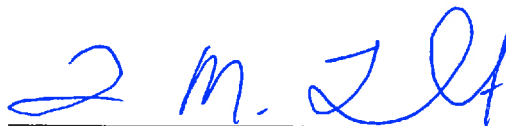
I hereby certify that I have this day served a true copy of the Motion to Compel of Metropolitan Edison Company upon the individual listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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

Diane Distefano
111 Brittany Court
Red Lion, PA 17356

Administrative Law Judge Jeffrey A. Watson
Pennsylvania Public Utility Commission
Piatt Place
Suite 220
301 5th Avenue
Pittsburgh, PA 15222

Dated: February 8, 2018



Lauren M. Lepkoski
Tori L. Giesler
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, Pennsylvania 19612-6001
(610) 921-6203
(610) 921-6658
llepkoski@firstenergycorp.com
tgiesler@firstenergycorp.com