



17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601  
717-731-1970 Main  
717-731-1985 Main Fax  
www.postschell.com

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Devin Ryan

dryan@postschell.com  
717-612-6052 Direct  
717-731-1985 Direct Fax  
File #: 140074

February 12, 2018

***VIA ELECTRONIC FILING***

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Jay Larry Moyer v. PPL Electric Utilities Corporation**  
**Docket No. C-2017-2629683**

Dear Secretary Chiavetta:

Enclosed please find the Answer of PPL Electric Utilities Corporation to the Complainant's Motion to Compel Discovery Responses, for filing in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,

Devin Ryan

DTR/jl  
Enclosures

cc: Honorable Joel H. Cheskis  
Certificate of Service

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing have been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**VIA E-MAIL AND FIRST CLASS MAIL**

Jay Larry Moyer  
370 West Johnson Street  
Apartment C-1  
Philadelphia, PA 19144  
E-mail:[gtown73@hotmail.com](mailto:gtown73@hotmail.com)

Date: February 12, 2018



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Devin T. Ryan

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jay Larry Moyer,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2017-2629683
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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**ANSWER OF PPL ELECTRIC UTILITIES CORPORATION  
TO THE COMPLAINANT’S  
MOTION TO COMPEL DISCOVERY RESPONSES**

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TO ADMINISTRATIVE LAW JUDGE JOEL H. CHESKIS:

Pursuant to 52 Pa. Code § 5.342(g)(1), PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby files this Answer to Jay Larry Moyer’s (“Complainant”) Motion to Compel Discovery Responses. In the interest of judicial economy, PPL Electric will answer the discovery as clarified by the Complainant in his Motion to Compel by February 16, 2018. Therefore, the Company respectfully requests that Administrative Law Judge Joel H. Cheskis (the “ALJ”) deny the Motion to Compel as moot. In support of its Answer, PPL Electric states as follows:

**I. INTRODUCTION**

1. On January 23, 2018, the Complainant served his first set of discovery on PPL Electric. (“Complainant to PPL Set I) A true and correct copy of the Complainant’s discovery is attached hereto as **Appendix A**.

2. On February 1, 2018, PPL Electric served its Objections to the Complainant's first set of discovery. Specifically, the Company objected to Interrogatories 1, 2, 3, 4, 5, and 6(h). A true and correct copy of the Company's objections are attached hereto as **Appendix B**.

3. Under 52 Pa. Code § 5.321(c), a party is entitled to obtain discovery of any matter not privileged that is relevant to the pending proceeding, or any matter that is reasonably calculated to lead to the discovery of admissible evidence. *Id.*

4. As noted by the Superior Court of Pennsylvania, "While discovery should be liberally allowed, 'fishing expeditions' are not to be countenanced under the guise of discovery." *Land v. State Farm Mutual Ins. Co.*, 600 A.2d 605, 608 (Pa. Super. 1991) (emphasis added).

5. "[T]he standard for discovery is relevance, not curiosity." *Pa. PUC v. Pennsylvania-American Water Co.*, Docket Nos. R-2011-2232243, *et al.*, at p. 22 (July 21, 2011) (Order on Motion to Compel).

6. As explained in more detail below, PPL Electric will answer the discovery as clarified by the Complainant and, therefore, respectfully requests that the ALJ deny the Complainant's Motion to Compel as moot.

## **II. THE COMPLAINANT'S MOTION TO COMPEL SHOULD BE DENIED AS MOOT**

### **A. MOYER INTERROGATORY 1**

7. PPL Electric incorporates Paragraphs 1 through 6 as if fully set forth herein.

8. Complainant to PPL Set I, Question 1 requests the following:

1. Copies of all letters, emails, and other written communication since April 25, 2017, that are associated with the Complainant's renewable system and that occurred between the Company and individuals acting on behalf of PPL Electric Utilities Corporation (PPLEU), including persons who may have been employed by third-party entities.

9. PPL Electric objected to this interrogatory on the grounds that the scope of the request is vague, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. The Company also objected to the extent that the interrogatory sought information that is considered trade secret or is protected by attorney-client privilege or the attorneys' work product doctrine.

10. In his Motion to Compel, the Complainant noted his intent only to obtain materials related to his Formal Complaint and that are associated with his virtual meter aggregation system. (Motion to Compel, p. 3) Further, he clarified that he is not seeking any information that is a trade secret or protected by the attorney-client privilege or the attorneys' work product doctrine. (Motion to Compel, p. 3)

11. In the interest of judicial economy, PPL Electric will answer Interrogatory 1 as clarified by the Complainant by February 16, 2018.

**B. MOYER INTERROGATORY 2**

12. PPL Electric incorporates Paragraphs 1 through 11 as if fully set forth herein.

13. Complainant to PPL Set I, Question 2 requests the following:

2. Audio recordings of all telephone conversations that occurred between the Complainant and individuals acting on behalf of PPL Electric, including the following specific calls:

a. A conversation with Ms. Tammy Nalesnic on or about September 15, 2017

b. A conversation with Ms. Tammy Nalesnic on or about September 23, 2017

c. A conversation with "Dana" on or about October 18, 2017

14. PPL Electric objected to this interrogatory on the grounds that the scope of the request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

15. In his Motion to Compel, the Complainant contended that any telephone conversations would be related to his virtual meter aggregation system and the issues in the Formal Complaint. (Motion to Compel, pp. 4-5)

16. In the interest of judicial economy, PPL Electric will answer Interrogatory 2 by February 16, 2018.

**C. MOYER INTERROGATORY 3**

17. PPL Electric incorporates Paragraphs 1 through 16 as if fully set forth herein.

18. Complainant to PPL Set I, Question 3 requests the following:

3. All memos, comments, letters, customer service “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.

19. PPL Electric objected to this interrogatory on the grounds that the scope of the request is vague, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. The Company also objected to the extent that the interrogatory sought information that is considered trade secret or is protected by attorney-client privilege or the attorneys’ work product doctrine.

20. In his Motion to Compel, the Complainant contended that any such materials would be related to his virtual meter aggregation system and the issues in the Formal Complaint. (Motion to Compel, p. 6) He further clarified that he is not seeking any information that is considered trade secret or is protected by attorney-client privilege or the attorneys’ work product doctrine. (Motion to Compel, p. 6)

21. In the interest of judicial economy, PPL Electric will answer Interrogatory 3 as clarified by the Complainant by February 16, 2018.

**D. MOYER INTERROGATORY 4**

22. PPL Electric incorporates Paragraphs 1 through 21 as if fully set forth herein.

23. Complainant to PPL Set I, Question 4 requests the following:

4. Copies of all emails, audio recordings, and other correspondence since April 25, 2017, that are related in any way to the Complainant or his renewable generating system.

24. PPL Electric objected to this interrogatory on the grounds that the scope of the request is vague, overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and an improper use of discovery. The Company also objected to the extent that the interrogatory sought information that is considered trade secret or is protected by attorney-client privilege or the attorneys' work product doctrine.

25. In his Motion to Compel, the Complainant withdrew Interrogatory 4. (Motion to Compel, p. 6)

26. Therefore, the Company's objection to Interrogatory 4 is now moot, and no response is necessary.

**E. MOYER INTERROGATORY 5**

27. PPL Electric incorporates Paragraphs 1 through 26 as if fully set forth herein.

28. Complainant to PPL Set I, Question 5 requests the following:

5. All records, memos, notes, and other materials in the possession of PPL Electric that pertain to deliberations, recommendations, characterizations, or other discussions since April 25, 2017 that are associated with the Complainant and/or to his renewable system.

29. PPL Electric objected to this interrogatory on the grounds that the scope of the request is vague, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. The Company also objected to the extent that the

interrogatory sought information that is considered trade secret or is protected by attorney-client privilege or the attorneys' work product doctrine.

30. In his Motion to Compel, the Complainant contended that any such materials would be related to his virtual meter aggregation system and the issues in the Formal Complaint. (Motion to Compel, pp. 6-7) He further clarified that he is not seeking any information that is considered trade secret or is protected by attorney-client privilege or the attorneys' work product doctrine. (Motion to Compel, p. 7)

31. In the interest of judicial economy, PPL Electric will answer Interrogatory 5 as clarified by the Complainant by February 16, 2018.

**F. MOYER INTERROGATORY 6(H)**

32. PPL Electric incorporates Paragraphs 1 through 31 as if fully set forth herein.

33. Complainant to PPL Set I, Question 6(h) requests the following:

6. The following specific documents.

...

h. Any data sheets (spreadsheets) prepared in association with Larry Moyer's renewable generating system.

34. PPL Electric objected to this interrogatory on the grounds that the scope of the request is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. The Company also objected to the extent that the interrogatory sought information that is considered trade secret or is protected by attorney-client privilege or the attorneys' work product doctrine, as some of the spreadsheets prepared by the Company contain notes detailing the mental impressions and thoughts of PPL Electric's counsel.

35. In his Motion to Compel, the Complainant stated that the spreadsheets could obscure data for periods that are not at issue in this proceeding and could be redacted to protect

any privileged information. (Motion to Compel, p. 8) He further clarified that he is not seeking any information that is considered trade secret or is protected by attorney-client privilege or the attorneys' work product doctrine. (Motion to Compel, p. 7)

36. In the interest of judicial economy, PPL Electric will answer Interrogatory 6(h) as clarified by the Complainant by February 16, 2018.

37. Based on the foregoing, PPL Electric respectfully requests that the ALJ deny the Complainant's Motion to Compel as moot, because the Company will answer the discovery at issue as clarified by the Complainant by February 16, 2018.

**III. CONCLUSION**

For the reasons set forth above, PPL Electric Utilities Corporation respectfully requests that Administrative Law Judge Joel H. Cheskis deny the Complainant's Motion to Compel as moot.

Respectfully submitted,



Amy E. Hirakis (ID # 310094)  
PPL Services Corporation  
Two North Ninth Street  
Allentown, PA 18101  
Phone: 610-774-4254  
Fax: 610-774-6726  
E-mail: aehirakis@pplweb.com

David B. MacGregor (ID #28804)  
Post & Schell, P.C.  
Four Penn Center  
1600 John F. Kennedy Boulevard  
Philadelphia, PA 19103-2808  
Phone: 215-587-1197  
Fax: 215-320-4879  
E-mail: dmacgregor@postschell.com

Of Counsel:

Post & Schell, P.C.

Devin T. Ryan (ID #316602)  
Post & Schell, P.C.  
12th Floor, 17 North Second  
Harrisburg, PA 17101-1601  
Phone: 717-731-1970  
Fax: 717-731-1985  
E-mail: dryan@postschell.com

Date: February 12, 2018

Attorneys for PPL Electric Utilities Corporation

# APPENDIX “A”

**Jay Larry Moyer**  
**370 W. Johnson Street (C-1)**  
**Philadelphia, PA 19144**  
**215-844-8224**  
**Email: gtown73@hotmail.com**

January 23, 2018

Christopher T. Wright (ID #203412)  
Post & Schell, P.C.  
17 North Second Street  
12<sup>th</sup> Floor  
Harrisburg, PA 17101-1601

RE: Docket No. C-2017-2629683

Dear Mr. Wright:

This request for discovery is submitted in anticipation of the formal hearing which has been scheduled for March 6, 2018, by Deputy Chief ALJ, Joel H. Cheskis.

Discovery is necessary for creating a full and accurate record of events. To be complete and fully accurate, the record must include the specific conduct of Company representatives as well as the exact statements which they made to the Complainant.

These materials are also necessary if the above Complaint is to be properly adjudicated.

Therefore, Pursuant to 52 Pa. Code § 5.321(c), the Complainant in the above case requests that PPL Electric Utilities Corporation provide discovery materials as described in the interrogatories which are numbered below. The start date for these materials is April 25, 2017, the date on which Larry Moyer, by letter, requested year-end data for his PV generating system. Please provide in discovery all of the following materials related to Larry Moyer's PPL accounts:

1. Copies of all letters, emails, and other written communication since April 25, 2017, that are associated with the Complainant's renewable system and

that occurred between the Company and individuals acting on behalf of PPL Electric Utilities Corporation (PPLEU), including persons who may have been employed by third-party entities.

2. Audio recordings of all telephone conversations that occurred between the Complainant and individuals acting on behalf of PPL Electric, including the following specific calls:
  - a. A conversation with Ms. Tammy Nalesnic on or about September 15, 2017
  - b. A conversation with Ms. Tammy Nalesnic on or about September 23, 2017
  - c. A conversation with “Dana” on or about October 18, 2017
3. All memos, comments, letters, customer service “histories”, and/or notations (whether in printed, digital, or audio format) since April 25, 2017, 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.
4. Copies of all emails, audio recordings, and other correspondence since April 25, 2017, that are related in any way to the Complainant or his renewable generating system.
5. All records, memos, notes, and other materials in the possession of PPL Electric that pertain to deliberations, recommendations, characterizations, or other discussions since April 25, 2017 that are associated with the Complainant and/or to his renewable system.
6. The following specific documents:
  - a. An “Account Activity Statement” for Acct. #06476-21001 with all entries up to and including December 31, 2017.
  - b. An “Account Activity Statement” for Acct. #67277-97002 with all entries up to and including December 31, 2017.

- c. An "Account Contact History" for Acct. #06476-21001 with all entries up to and including December 31, 2017
- d. An "Account Contact History" for Acct. #67277-97002 with all entries up to and including December 31, 2017
- e. A CSR (Customer Service Record) for Acct. #06476-21001 with all entries up to and including December 31, 2017
- f. A CSR (Customer Service Record) for Acct. #67277-97002 with all entries up to and including December 31, 2017
- g. The 10-page PPL document, "Procedures for monthly VM customer calculations" which describes steps "which are performed in order to obtain the correct calculations and credit totals".
- h. Any data sheets (spreadsheets) prepared in association with Larry Moyer's renewable generating system.

Thank you for your attention to this request.

Respectfully yours,

Larry Moyer

# **APPENDIX “B”**



17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601  
717-731-1970 Main  
717-731-1985 Main Fax  
www.postschell.com

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Devin Ryan

dryan@postschell.com  
717-612-6052 Direct  
717-731-1985 Direct Fax  
File #: 140074

February 2, 2018

*VIA E-MAIL & REGULAR MAIL*

Jay Larry Moyer  
370 West Johnson Street  
Apartment C-1  
Philadelphia, PA 19144

Re: **Jay Larry Moyer v. PPL Electric Utilities Corporation**  
**Docket No. C-2017-2629683**

Dear Mr. Moyer:

Enclosed are the Objections of PPL Electric Utilities Corporation to the Interrogatories of Jay Larry Moyer (Set I), in the above-referenced proceeding.

Yours truly,

Devin Ryan

DTR/jl  
Enclosures

cc: Rosemary Chiavetta, Secretary (*Letter & Certificate of Service Only*)  
Certificate of Service

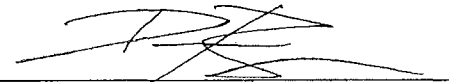
**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing have been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**VIA E-MAIL AND FIRST CLASS MAIL**

Jay Larry Moyer  
370 West Johnson Street  
Apartment C-1  
Philadelphia, PA 19144  
E-mail:[gtown73@hotmail.com](mailto:gtown73@hotmail.com)

Date: February 2, 2018



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Devin T. Ryan

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jay Larry Moyer :  
 :  
v. : Docket No. C-2017-2629683  
 :  
PPL Electric Utilities Corporation :

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

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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”) served on January 23, 2018 (“Moyer Set I”) via first-class mail.

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

In support, PPL Electric states as follows:

**I. SPECIFIC OBJECTIONS**

**A. OBJECTION TO MOYER-I-1**

1. Moyer Set I, Question 1 requests the following:

1. Copies of all letters, emails, and other written communication since April 25, 2017, that are associated with the Complainant’s renewable system and that occurred between the Company and individuals acting on behalf of PPL Electric Utilities Corporation (PPLEU), including persons who may have been employed by third-party entities.

2. PPL Electric objects to Moyer-I-1 on the grounds that the scope of the request is vague and overly broad. The scope of this request is unclear and has little limitation as to the subject matter of the requested correspondence. Indeed, the request seeks materials that are unrelated to the issues raised in the Formal Complaint filed by the Complainant at Docket No. C-2017-2629683 (“Fourth Complaint”). Therefore, this interrogatory is vague and not reasonably calculated to lead to the discovery of admissible evidence.

3. 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-1 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.

**B. OBJECTION TO MOYER-I-2**

4. Moyer Set I, Question 2 requests the following:

2. Audio recordings of all telephone conversations that occurred between the Complainant and individuals acting on behalf of PPL Electric, including the following specific calls:
  - a. A conversation with Ms. Tammy Nalesnic on or about September 15, 2017
  - b. A conversation with Ms. Tammy Nalesnic on or about September 23, 2017
  - c. A conversation with “Dana” on or about October 18, 2017

5. PPL Electric objects to Moyer-I-2 on the grounds that the scope of the request is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. The scope of this request would encompass conversations that are unrelated to the issues raised in the

Fourth 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. 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 three conversations specifically listed. Rather, it requests all audio recordings of conversations from April 25, 2017, 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.

**C. OBJECTION TO MOYER-I-3**

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

3. All memos, comments, letters, customer service “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 Fourth 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. Copies of all emails, audio recordings, and other correspondence since April 25, 2017, that are related in any way to the Complainant or his renewable generating system.

11. PPL Electric objects to Moyer-I-4 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 Fourth Complaint. Thus, this request is vague and not reasonably calculated to lead to the discovery of admissible evidence.

12. 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 such emails, audio recordings, or other correspondence. Thus, this discovery request is unduly burdensome and only meant to harass PPL Electric.

13. Finally, 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-4 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.

**E. OBJECTION TO MOYER-I-5**

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

5. All records, memos, notes, and other materials in the possession of PPL Electric that pertain to deliberations, recommendations, characterizations, or other discussions since April 25, 2017 that are associated with the Complainant and/or to his renewable system.

15. PPL Electric objects to Moyer-I-5 on the grounds that the scope of the request is vague, overly broad, and unduly burdensome. The interrogatory requests “[a]ll records, memos, notes, and other materials” with little limitation as to scope, subject matter, or medium. As a result, Moyer-I-5 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.

16. In addition, the Company objects to the extent that the interrogatory seeks information that is considered a trade secret or is 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 considered a trade secret or are protected by attorney-client privilege or the attorney work product doctrine.

**F. OBJECTION TO MOYER-I-6(H)**

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

6. The following specific documents:

...

h. Any data sheets (spreadsheets) prepared in association with Larry Moyer's renewable generating system.

18. PPL Electric objects to Moyer-I-6(h) on the grounds that the interrogatory is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. The scope of the request would encompass materials that are unrelated to the billing and crediting history of the Complainant's account that is at issue in this proceeding, namely the time period of April 25, 2017, to present. Therefore, the request is overly broad and not reasonably calculated to lead to the discovery of admissible evidence.

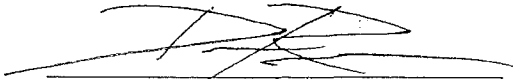
19. Moreover, the Company objects to the extent that the interrogatory seeks information that is protected by attorney-client privilege or the attorney work product doctrine. Under 52 Pa. Code § 5.321(c), the Complainant may only obtain discovery of non-privileged materials. However, Moyer-I-6(h) is broad enough in scope to cover materials that are protected by attorney-client privilege or the attorney work product doctrine. Indeed, some of the spreadsheets prepared by the Company contain notes detailing the mental impressions and thoughts of PPL Electric's counsel.

II. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation objects to Moyer Set I, Questions 1 through 5 and 6(h) 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,

Amy E. Hirakis (ID # 310094)  
PPL Services Corporation  
Two North Ninth Street  
Allentown, PA 18101  
Phone: 610-774-4254  
Fax: 610-774-6726  
E-mail: aehirakis@pplweb.com



David B. MacGregor (ID #28804)  
Post & Schell, P.C.  
Four Penn Center  
1600 John F. Kennedy Boulevard  
Philadelphia, PA 19103-2808  
Phone: 215-587-1197  
Fax: 215-320-4879  
E-mail: dmacgregor@postschell.com

Of Counsel:

Post & Schell, P.C.

Devin T. Ryan (ID #316602)  
Post & Schell, P.C.  
12th Floor, 17 North Second  
Harrisburg, PA 17101-1601  
Phone: 717-731-1970  
Fax: 717-731-1985  
E-mail: dryan@postschell.com

Date: February 2, 2018

Attorneys for PPL Electric Utilities Corporation

