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March 8, 2018

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

Re: Alexia McKnight v. PECO Energy Company
Docket No. C-2017-2621057

Dear Secretary Chiavetta:

Today PECO served its *Notice of Deposition*, to complainant. A certificate of service evidencing that service is attached for filing.

Very truly yours,



Ward L. Smith
Counsel for PECO Energy Company

WS/adz
Enclosures

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

PENNSYLVANIA PUBLIC UTILITY COMMISSION

ALEXIA MCKNIGHT :
Complainant :
v. : DOCKET NO. C-2017-2621057
:
PECO ENERGY COMPANY :
Respondent :

NOTICE TO PLEAD

To: *Alexia McKnight*

Today PECO is serving its Notice of Deposition on you. Pursuant to 52 Pa. Code §5.343, if you have any objection to this request, you must state that objections in writing within ten days (in this case, by Monday, March 19) or such earlier date as ordered by the presiding officer. If you do wish to state a written objection, you must file that objection with the Commission and provide service to the Administrative Law Judge and PECO.

File with:
Rosemarie Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

With a copy of the certificate of service to:

Administrative Law Judge Darlene Heep
Pennsylvania Public Utility Commission
801 Market Street
Philadelphia, PA 19107
dheep@pa.gov

Serve any objections and the discovery answers, along with the certificate of service, to

Ward L. Smith, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103
ward.smith@exeloncorp.com

Dated at Philadelphia, PA, March 8, 2018.



Ward L. Smith

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Alexia McKnight :
 :
 v. : Docket No. C-2017-2621057
 :
 PECO Energy Company :

CERTIFICATE OF SERVICE

I, Ward L. Smith hereby certify that on March 8, 2018, I served a copy of PECO Energy Company's *Notice of Deposition*, in the above matter, upon all interested parties via email and overnight delivery to:

Alexia McKnight
258 Heyburn Road
Chadds Ford, PA 19317
Alexia.mcknight@gmail.com

Dated: March 8, 2018



Ward L. Smith
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103
Phone: (215) 841-6863
Fax: 215.568.3389
Ward.Smith@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Alexia McKnight

v.

PECO Energy Company

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:
:
:
:

C-2017-2621057

PECO Energy Company’s Notice of Oral Deposition of Dr. Samuel Milham

Pursuant 52 Pa. Code §§ 5.321, 5.324, 5.343 and 5.344, PECO hereby provides notice that it intends to take the oral deposition of Dr. Samuel Milham of Olympia, Washington. On February 13, 2018, Complainant Dr. Alexia McKnight designated Dr. Milham as an expert witness in this proceeding. PECO plans to pursue this form of discovery in order to promote efficiency in examination of Dr. Milham at hearing. Moreover, through this request PECO represents that it will take steps so that this deposition is not a financial or other burden on Complainant or Dr. Milham, as explained below. In support thereof, PECO states as follows:

1. On February 13, 2018, Complainants identified Dr. Sameul Milham as her expert witness in this matter. In her witness designation document, Complainant stated that Dr. Milham “is in his mid 80’s and not traveling. He is only available to testify via teleconference.”
2. On February 16, 2018, PECO filed a Motion to Require In-Person Testimony.
3. On February 28, 2018, Your Honor issued an Order granting in part and denying in part PECO’s Motion. Dr. Milham will not be required to travel to hearing, but cannot testify by telephone (he must testify by videoconference or in person.)
4. The hearing in this case is scheduled for April 10, 2018 – 41 days after Your Honor’ ruling that Dr. Milham is not required to appear in person.

5. Given the twenty-day reply period for written discovery, this schedule means that PECO cannot effectively send iterative follow-up written interrogatories related to Dr. Milham's proposed testimony. Even if PECO had sent written discovery the day after Your Honor's ruling (March 1, 2018), the return date for that first discovery would have been March 21, 2018. If PECO sent follow-up discovery the next day (March 22, 2018), the return date for that next set of written discovery would have been after the scheduled April 10 hearing.

6. Dr. Milham is a retired epidemiologist who has appeared for complainants or plaintiffs in a number of cases, or has written articles and books, since the 1980s involving electric and magnetic fields (EMF) and radio-frequency (RF) fields. In these cases, books, and articles, Dr. Milham has offered wide-ranging and varied opinions about EMF/RF exposures, potential biological effects and alleged health effects. In the context of this type of scientific complexity, a deposition provides an extremely useful opportunity for the expert to clarify the scope and basis of opinions specifically relevant to the claims in the instant case. This in turn provides an opportunity to shorten and focus the expert's examination at hearing.

7. PECO accordingly seeks a one-day deposition (with on record examination time not to exceed eight hours) of Dr. Milham at a time and location convenient to Dr. Milham. Under the remaining schedule in this case, a single-day deposition will be a highly efficient form of discovery, particularly for complex scientific issues and opinions that otherwise may require discovery through numerous interrogatories and requests for production.

.8. PECO offers the following steps to ensure that this deposition is not a financial or other burden to Complainants:

- PECO will take the deposition in Dr. Milham's home town of Olympia, Washington, or such other location as is convenient to Dr. Milham;

- PECO will reserve and pay for a professional space in which to take the deposition;
- PECO will identify and pay a local court reporter to record and transcribe the deposition;
- PECO will pay a fee to Dr. Milham for his professional time spent in the deposition, at an hourly rate equal to the rate he is charging Complainants for his time to appear as a witness;
- PECO will pay all of its own expenses associated with the deposition.

9. This request is time-sensitive, but not complex. PECO therefore requests that Your Honor set a short period for objections and enter an order as soon as possible.

WHEREFORE:

PECO respectfully requests that Your Honors issue an Order granting PECO approval to take the oral deposition of Dr. Samuel Milham as set forth above.

Respectfully submitted,



March 8, 2018

Ward Smith
Assistant General Counsel
PECO Energy Company
215-841-6863
ward.smith@exeloncorp.com