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File #: 167945

July 6, 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: Willard and Elsbeth Sunstein v. PPL Electric Utilities Corporation**  
**Docket No. C-2018-3000078**

Dear Secretary Chiavetta:

Enclosed please find the Prehearing Conference Memorandum of PPL Electric Utilities Corporation 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 Elizabeth Barnes  
Certificate of Service

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has 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 & FIRST CLASS MAIL**

Willard & Elsbeth Sunstein  
860 Cupola Road  
Honeybrook, PA 19344  
[willardsunstein@fast.net](mailto:willardsunstein@fast.net)

Date: July 6, 2018

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

Devin T. Ryan

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Willard and Elsbeth Sunstein,	:	
	:	
Complainants,	:	
	:	
v.	:	Docket No. C-2018-3000078
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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**PREHEARING CONFERENCE MEMORANDUM OF  
PPL ELECTRIC UTILITIES CORPORATION**

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**TO ADMINISTRATIVE LAW JUDGE ELIZABETH H. BARNES:**

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby files this Prehearing Conference Memorandum in the above-captioned matter in accordance with the Second Interim Order issued by Administrative Law Judge Elizabeth H. Barnes (“ALJ”) on June 19, 2018, and states as follows:

**I. INTRODUCTION**

On February 26, 2018, PPL Electric was served with the Formal Complaint filed by the Willard and Elsbeth Sunstein (“Complainants”).

On March 19, 2018, PPL Electric filed its Answer to the Complaint.

On April 6, 2018, the ALJ issued a Protective Order, governing the treatment and use of confidential information in this proceeding.

On April 23, 2018, PPL Electric filed a Motion for Admission *Pro Hac Vice*, which requested that Curtis S. Renner, Esquire, be admitted *pro hac vice* as co-counsel on behalf of the Company.

On April 24, 2018, the ALJ held an informal telephonic conference, which was attended by Mr. Sunstein, Mr. Ryan, and Mr. Renner.

Also on April 24, 2018, the ALJ issued an Interim Order granting the Company's Motion for Admission *Pro Hac Vice*.

On May 11, 2018, the Complainants filed a combined Reply to the Company's Motion for Admission *Pro Hac Vice* and Motion to Rescind and Quash the ALJ's Interim Order Granting the Motion for Admission *Pro Hac Vice*.

On May 23, 2018, PPL Electric filed an Answer to the Complainants' Motion to Rescind and Quash the ALJ's Interim Order Granting the Motion for Admission *Pro Hac Vice*.

On June 19, 2018, the ALJ issued the Second Interim Order, which, among other things, denied the Complainants' Motion to Rescind and Quash, converted the July 10, 2018 evidentiary hearing into a prehearing conference, and directed the parties to submit prehearing memoranda on or before July 6, 2018.

## II. SERVICE OF DOCUMENTS

PPL Electric Utilities Corporation respectfully requests that Devin T. Ryan, Esquire, Amy E. Hirakis, Esquire, and Curtis S. Renner, Esquire, be listed on the service list as counsel on behalf of PPL Electric. Their contact information is as follows:

Amy E. Hirakis (ID # 310094)  
PPL Services Corporation  
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Allentown, PA 18101  
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Curtis S. Renner (DC ID # 446187)  
Watson & Renner  
1901 Pennsylvania Avenue, NW  
Suite 1005 - ENS  
Washington, DC 20006  
Phone: 202-737 6302  
E-mail: crenner@w-r.com

Further, PPL Electric requests that Kimberly A. Klock, Esquire, and Garrett P. Lent, Esquire, be included on all electronic mail sent in this proceeding. Ms. Klock's e-mail address is [kklock@pplweb.com](mailto:kklock@pplweb.com), and Mr. Lent's e-mail address is [glent@postschell.com](mailto:glent@postschell.com).

PPL Electric's attorneys are authorized to accept service on behalf of the Company in this proceeding. PPL Electric requests that the Commission and all parties of record serve copies of all discovery requests and answers, correspondence, Commission Orders, and any other documents issued in this proceeding on its attorneys in Harrisburg, Pennsylvania.

The Company agrees to receive service of documents electronically in this proceeding.

### **III. ISSUES**

PPL Electric believes the presently identified issues are: (1) whether the Complainants have the ability to opt-out of the installation of the new automated metering infrastructure ("AMI") meter under Act 129 of 2008; and (2) whether the Company's installation of the new AMI meter at the Complainants' premises would violate 66 Pa. C.S. § 1501. Further development of issues may await the submission of direct testimony by the Complainants.

### **IV. WITNESSES**

The Company plans to call William J. Hennegan, Scott Larson, Dr. Christopher C. Davis, and Dr. Mark A. Israel to testify on its behalf. The witnesses' contact information and expected testimony are as follows:

William J. Hennegan – Manager- AMI Business Integration  
PPL Electric Utilities  
835 Hamilton St  
Allentown, PA 18101-1179

Scott Larson – Senior Engineer  
PPL Electric Utilities  
1 Scotch Pine Dr.  
Hazle Township, PA 18202-9760

Dr. Christopher C. Davis, Ph.D.  
Professor of Electrical and Computer Engineering  
University of Maryland  
Electrical and Computer Engineering  
2124 Jeong H. Kim Engineering Bldg.  
College Park, MD 20742

Dr. Mark A. Israel, M.D.  
Professor of Medicine  
Dartmouth Medical School  
1 Medical Center Dr.  
Lebanon, NH 03756

Mr. Hennegan is expected to testify about customer communications, customer account history, and any customer service or account issues that may arise in this proceeding.

Mr. Larson is expected to testify about PPL Electric's Smart Meter Plan, the Company's current smart meter rollout, the technical specifications of the smart meters, the safety of smart meters, the smart meters' privacy protections, and any other issues that may arise pertaining to the Company's smart meters in this proceeding.

Dr. Davis is expected to testify about the nature and physical properties of radio frequency (RF) fields, whether there is an established biophysical or biological mechanism for RF fields from AMI and/or AMR systems to cause adverse effects in humans, methods for determining a person's exposure to RF fields, and how the RF fields from PPL Electric's AMI system compare to the FCC's RF exposure standards and to RF field exposures from other sources in everyday life.

Dr. Israel is expected to testify about the medical and scientific studies on radio frequency (RF) fields and health, and whether there is a reliable medical or scientific basis for concluding that RF fields from PPL Electric's AMI system will cause or contribute to the adverse health effects claimed by Complainants.

Please note that the witnesses PPL Electric will ultimately call at hearing will depend on the issues raised in discovery and during the course of this proceeding. The Company reserves the right to call additional witnesses, if necessary.

**V. PROCEDURAL SCHEDULE**

PPL Electric has tried to work with the Complainants in developing a mutually agreeable procedural schedule for this proceeding. To date, the parties have been unable to agree to one. In the meantime, the Company proposes the following schedule:

Prehearing Conference	July 10, 2018
Complainants' Expert Testimony and Exhibits	September 27, 2018
PPL Electric's Rebuttal Testimony and Exhibits	October 30, 2018
Hearings	November 29-30, 2018
Main Briefs	January 3, 2018
Reply Briefs	January 24, 2018

If the parties are able to agree on a schedule before the prehearing conference, the Company will inform the ALJ of the proposed schedule.

**VI. OTHER MATTERS THAT MAY AID IN EXPEDITING THE PROCEEDING**

**A. STIPULATIONS**

PPL Electric is willing to work with the Complainants on stipulating to the admission of certain facts and evidence to help expedite the proceeding. Indeed, the Company believes that many of its planned exhibits, which are documents of public record and pages from its

Commission-approved tariff, can be stipulated for admission into evidence without issue. After exchange of the parties' written testimony and exhibits, PPL Electric will try to work with the Complainants on preparing a joint stipulation of facts and evidence that would be submitted in advance of the evidentiary hearings.

#### **B. DISCOVERY**

PPL Electric intends to engage in discovery early in this proceeding, consistent with the Commission's regulations. *See* 52 Pa. Code § 5.331(b). The Company also encourages the use of informal discovery processes as the proceeding progresses. *See id.* § 5.322. The Company is not aware of any discovery issues and does not propose any special orders regarding discovery or modifications to the discovery rules. PPL Electric proposes that discovery conclude prior to the date of the evidentiary hearing.

#### **C. TRANSCRIPT TURNAROUND**

PPL Electric requests an expedited turnaround of the evidentiary hearing transcript so that the parties have the transcript in sufficient time before briefs are due.

#### **D. SETTLEMENT DISCUSSIONS**

To date, no settlement discussions have been held. However, PPL Electric is willing to work with the Complainants in an effort to fully resolve the matter through settlement, to reach a partial settlement, or, as mentioned previously, to reduce the facts at issue in this case through stipulation.

### **VII. PROTECTION OF CONFIDENTIAL INFORMATION**

On April 6, 2018, the ALJ issued a Protective Order, governing the treatment and use of confidential information in this proceeding. PPL Electric's counsel and certain Company personnel have executed the non-disclosure certificate attached to the Protective Order and, as a result, have agreed to be bound by and comply with the terms of the Protective Order. Copies of

the executed non-disclosure certificates have been provided to the Complainants in advance of the prehearing conference.

**VIII. AMENDED COMPLAINT**

For several months, the Complainants have stated their intent to file an amended Formal Complaint. It is unclear to PPL Electric precisely what amendments to their Formal Complaint the Complainants intend to make. Notwithstanding, so the proceeding is not delayed any further, the Company respectfully requests that the Complainants be directed to file their amended Formal Complaint on or before August 10, 2018, *i.e.*, approximately one month from the prehearing conference.

Respectfully submitted,



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Date: July 6, 2018

Attorneys for PPL Electric Utilities Corporation