

July 13, 2018

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
2nd Floor, Room-N201
Harrisburg, PA 17120

RE: Norbert Sliwinski v. Duquesne Light Company
Docket No. C-2016-2559985

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Objections to Complainant's First Set of Discovery Requests. A copy of this document has been served upon Complainant in accordance with Commission regulations.

Please feel free to contact me if you have any questions.

Sincerely,



Lauren N. Rulli
Attorney for Duquesne Light Company

LNR/sls
Enclosure

cc: Norbert Sliwinski (with enclosure)
ALJ Jeffrey Watson (with enclosure)

LIT:643327-1 014657-158498

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

NORBERT SLIWINSKI,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: C-2016-2559985
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

OBJECTIONS TO COMPLAINANT’S FIRST SET OF DISCOVERY REQUESTS

Respondent Duquesne Light Company (“Duquesne Light”) submits its Objections to Complainant’s First Set of Discovery Requests. This pleading only responds to the Requests to which Duquesne Light has an objection. Duquesne Light will provide responses to all remaining Requests pursuant to 52 Pa. Code § 5.342.

1. Provide material/evince [sic] that the material I represented in my discovery response does not provide the basis for a valid conclusion. In your response and the Report of Gabor Mezei, he expresses only his **Opinions** but offers no evidence documents, pictures, videos to substantiate his Opinions.

Response: Duquesne Light objects to this Request on the grounds that it is ambiguous, incomprehensible, and vague in that it does not define "valid conclusion." The second sentence of this Request does not have a valid request, therefore, no response is required. To the extent that a response is required, see the expert report of Gabor Mezei, which speaks for itself.

2. Provide a detailed response to each of the **peer-reviewed** Governmental Study regarding biological effects of RF radiation on living tissue: by the U.S. Office of Naval Medical research done in 1971¹

Response: Duquesne Light objects to this Request on the grounds that it is unduly burdensome, overly broad, vague, and not reasonably calculated to lead to the

¹ The material provided by Complainant from the U.S. Office of Naval Medical research and other exhibits has been omitted.

discovery of admissible evidence. Also, the study referred to in the Request does not involve the Itron smart meter being installed by Duquesne Light, therefore, any information sought in this Request is irrelevant to the present action.

3. Provide verifiable (by a non-partisan, impartial witness/observer) evidence/proof that DLC's SM do not have over 100 adverse health effects in light of the studies done by experts below.

Response: Duquesne Light objects to this Request on the grounds that it is unduly burdensome, overly broad, vague, and not reasonably calculated to lead to the discovery of admissible evidence. Also, the study referred to in the Request does not involve the Itron smart meter being installed by Duquesne Light, therefore, any information sought in this Request is irrelevant to the present action. To the extent that a response is required, see the expert report of Gabor Mezei, which speaks for itself.

2. [sic]² What will be DLC's response if your Itron SK9AMI7 HW 3.1 OpenWay CENTRON Single Phase Smart Meter would catch fire, or explode? Will you be financially responsible for the damages caused by fire/explosion, regardless of cause? (Lightning strike, power surge, malfunction of internal components, etc).

Response: Duquesne Light objects to this Request on the ground that it seeks hypothetical or speculative information. To the extent that a response is required, Duquesne Light has no knowledge of any of its smart meters catching fire or exploding.

4. Produce documented and visual evidence (actual time stamped video) using a FLUKE 215C Oscilloscope - or equal, connected to DLC's SM - recording the electrical sine waveform. Confirming that the DLC's SM does not produce "dirty electricity" or high voltage transients. Above to be performed at a neutral or private lab, not affiliated or owned by DLC.

Response: Duquesne Light objects to this Request on the grounds that it is unduly burdensome, overly broad, vague, and not reasonably calculated to lead to the discovery of admissible evidence. Duquesne Light additionally objects to this Request on the grounds that it would require an unreasonable investigation.

5. Produce evidence/ proof that DLC's SM need not to be replaced at regular intervals. (My current analog meter has been on my house since I moved in – in July 1971 and probably

² Duquesne Light has kept the numbering of their objections the same as they are listed in Complainant's Discovery Requests for consistency.

was the same one, when installed on the house when it was built in 1959) Produce a written Warranty and Guarantee for a life expectancy at least 10 years for DLC's SM.

Response: Duquesne Light objects to this Request on the grounds that it is unduly burdensome, overly broad, vague, and not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, the Request asks Duquesne Light to prove a negative, which is a logical impossibility. Finally, to the extent the Request asks Duquesne Light to provide a legally-operative Warranty, discovery is not the appropriate forum in which to make such a request, and Duquesne Light is not obligated to provide such a Warranty.

6. Provide evidence/proof that SM cannot be electrically "hacked".

Response: Duquesne Light objects to this Request on the grounds that it is unduly burdensome, overly broad, vague, and not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, the Request asks Duquesne Light to prove a negative, which is a logical impossibility.

7. Provide proof and guarantee that DLC's SM cannot be accessed via wireless and/or switched off at will, by DLC employees or any of its affiliates.

Response: Duquesne Light objects to this Request on the grounds that it is unduly burdensome, overly broad, vague, and not reasonably calculated to lead to the discovery of admissible evidence. To the extent the Request asks Duquesne Light to provide a legally-operative guarantee, discovery is not the appropriate forum in which to make such a request, and Duquesne Light is not obligated to provide such a guarantee. Finally, to the extent a response is required, Act 129 of 2008 and corresponding PUC Orders require Duquesne Light's smart meters to be capable of remote connecting and disconnecting electric service. Duquesne Light's smart meters are capable of remote connection and disconnection.

9. Provide proof and guarantee that DLC's SM is in compliance with Public Law 90-602 dated October 18, 1968.

Response: Duquesne Light objects to this Request on the grounds that it is unduly burdensome, overly broad, vague, and not reasonably calculated to lead to the discovery of admissible evidence. The Request asks for a legal conclusion, not facts. To the extent the Request asks Duquesne Light to provide a legally-operative guarantee, discovery is not the appropriate forum in which to make such a request, and Duquesne Light is not obligated to provide such a guarantee.

10. Provide all pertinent data of DLC's SM recording and transmission capabilities of the extent of the data that will be recorded, stored and shared and/or the purpose to which the data will and will not be put.

Response: Duquesne Light objects to this Request on the grounds that it is unduly burdensome, overly broad, vague, and not reasonably calculated to lead to the discovery of admissible evidence.

14. In reply to Dr. Mezei "Review of RF Health Studies" pge 17 FCC 2.4 GHz is the absorption resonance (or dielectric loss) of the water molecule making it rotate and vibrate in an electric field and humans are 60-70% water.....

Response: Duquesne Light objects to this Request on the grounds that it is ambiguous, incomprehensible, and vague to the point that Duquesne Light is unable to prepare a meaningful response.

15. In reply to Dr. Mezei "Sources of Scientific Evidence for a Weight-of-Evidence Review" I refer to Exhibit B & C

Response: Duquesne Light objects to this Request on the grounds that it is ambiguous, incomprehensible, and vague to the point that Duquesne Light is unable to prepare a meaningful response.

Finally:

Produce a response to my suggestion to my reply to your previous set 2nd set of Discovery where I suggested an alternate way of collecting the electrical consumption of the meter. That suggestion was in response to Judge Watson's letter dated March 28, 2018 per § below:

Response: Duquesne Light objects to this Request on the grounds that it is overly broad, vague, and not reasonably calculated to lead to the discovery of admissible evidence. To the extent the Request asks Duquesne Light to produce materials related to settlement discussions, such discussions are confidential and not subject to discovery.

Respectfully submitted,

TUCKER ARENSBERG, P.C.


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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

NORBERT SLIWINSKI, :

Complainant, :

vs. :

No: C-2016-2559985

DUQUESNE LIGHT COMPANY, :

Respondent. :

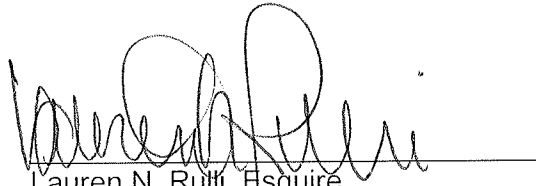
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Objections to Complainant's First Set of Discovery Requests upon the participant listed below in accordance with the requirements of 52 PA. Code § 1.54 (relating to service by a participant):

Norbert Sliwinski
856 Cottonwood Drive
Monroeville, PA 15146

Administrative Law Judge Jeffrey Watson
Piatt Place - 301 Fifth Avenue, Suite 220
Pittsburgh, PA 15222
Via Fax - 412.565.5692

Dated this 13TH day of July, 2018



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