

September 12, 2018

**Via Electronic Filing**

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

**Re: Docket No. C-2016-2565262  
Craig Jackson v. Metropolitan Edison Company  
Motion of Met-Ed to Compel Discovery Responses**

Dear Secretary Chiavetta:

Attached for filing is the Motion of Respondent, Metropolitan Edison Company (Met-Ed), to Compel Discovery Responses of Craig Jackson (Complainant). **The hearing is scheduled October 2, 2018; Met-Ed respectfully requests expedited handling of the Motion.**

A copy of the Motion to Compel has been forwarded to the Complainant in the manner indicated on the attached Certificate of Service.

If there are any questions, please contact me.

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM/jmm  
Attachment

cc: The Honorable Steven K. Haas, PA Public Utility Commission  
Tori Giesler, Esquire, FirstEnergy Service Company  
Craig Jackson

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**CRAIG JACKSON**

v.

**METROPOLITAN EDISON COMPANY**

:  
:  
:  
:  
:

**Docket No. C-2016-2565262**

**NOTICE TO PLEAD**

Pursuant to 52 Pa. Code § 5.342, you are hereby notified that if you do not file a written response answering the enclosed Motion to Compel of Metropolitan Edison Company within five (5) days from service of this notice, the facts set forth by Metropolitan Edison Company in the Motion to Compel may be deemed to be true, whereby requiring no other proof. All pleadings, such as a Reply to Motion to Compel, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for Metropolitan Edison Company, Margaret A. Morris, Esq., and the Honorable Steven K. Haas, the Administrative Law Judge presiding over the issue.

**File with:**

Rosemary Chiavetta, Esquire  
Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building – 2 North  
P.O. Box 3265  
Harrisburg, PA 17105

**With a copy to:**

Margaret A. Morris, Esquire  
Reger Rizzo & Darnall LLP  
Cira Centre, 13<sup>th</sup> Floor  
2929 Arch Street  
Philadelphia, PA 19104

The Honorable Steven K. Haas  
PA Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105

Date: September 12, 2018



Margaret A. Morris, Esquire  
Attorney ID No. 75048  
Reger Rizzo & Darnall LLP  
Cira Centre, 13<sup>th</sup> Floor  
2929 Arch Street  
Philadelphia, PA 19104  
(215) 495-6524 (tel.)  
[mmorris@regerlaw.com](mailto:mmorris@regerlaw.com)

*Counsel for Metropolitan Edison Company*

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CRAIG JACKSON :  
 :  
 v. : Docket No. C-2016-2565262  
 :  
 METROPOLITAN EDISON COMPANY :

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

TO THE PUBLIC UTILITY COMMISSION AND THE HONORABLE STEVEN K. HAAS

Metropolitan Edison Company (Met-Ed or Respondent) by and through its attorneys, Reger Rizzo & Darnall LLP, and pursuant to 52 Pa. Code §§5.371-5.372, hereby files this Motion to Compel Craig Jackson (Complainant) to provide full and complete responses to interrogatories and document requests issued by Met-Ed on August 22, 2018. In support thereof, Met-Ed avers as follows:

**BACKGROUND**

1. On August 28, 2016, the Complainant filed his Complaint alleging that Met-Ed had not provided reasonable service in a dispute concerning vegetation management on his property. Specifically, the Complainant alleged that Met-Ed had engaged in racial profiling and harassment.

2. On September 26, 2016, Met-Ed filed an Answer and New Matter denying any violation of the Pennsylvania Public Utility Code (Code) or rules and regulations of the

Commission. The Respondent simultaneously filed a Preliminary Objection (PO) requesting that portion of the Complaint seeking damages be dismissed.

3. On August 16, 2018, the matter was scheduled for a telephonic hearing on October 2, 2018. On September 6, 2018, the parties were notified that the Honorable Steven K. Haas (Judge Haas) would preside over the hearing.

4. On August 22, 2018, Met-Ed in accordance with 52 Pa. Code §5.341, served *via* electronic and first class mail, Set II-Interrogatories and Requests for Documents (Set II-Discovery Requests) on the Complainant.<sup>1</sup> In its Set II-Discovery Requests, Met-Ed sought information regarding the allegation of discrimination. A copy of the Set II-Discovery Requests of Met-Ed is provided as Attachment 1.<sup>2</sup>

5. Objections to Met-Ed's Discovery Requests were due on or before August 31, 2108 and Answers to the Discovery Requests were due on or before September 10, 2018.

6. The Complainant did not file any objection to the Discovery Request and has not provided any responses or the requested documents by the due date. Accordingly, and prior to filing this Motion to Compel, counsel for Met-Ed attempted to contact the Complainant *via* phone September 10, 2018; a voice message was left inquiring about the Set II-Discovery Responses. An email was also sent on September 10, 2018. No reply by the Complainant was received.

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<sup>1</sup> The Cover letter and Certificate of Service was e-filed with the Commission.

<sup>2</sup> Set II-Discovery seeks the same information that was sought in Set I that the Complainant refused to answer.

## MOTION TO COMPEL

7. The Commission's regulations permit the discovery of "any matter, not privileged, which is relevant to the subject matter involved in the pending action." 52 Pa. Code § 5.321 (c).

8. Generally speaking, this Commission applies a standard of relevance, which is less restrictive than that required by parties to present information into the evidentiary record. It is not grounds 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. 52 Pa. Code §5.321(c).

9. 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.

10. The information sought here by Met-Ed is relatively simple and straightforward. It is directly relevant and material to the issues raised by the Complainant. Met-Ed is entitled to the requested information to enable it to fully prepare for the scheduled hearing in this proceeding.

11. 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.

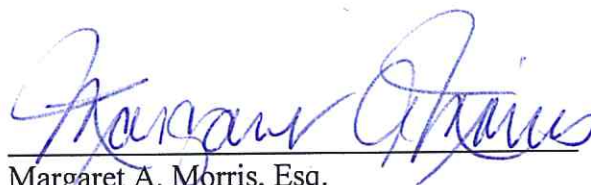
12. Section 5.372 provides that the presiding officer may impose appropriate sanctions upon a party found to be found in violation of the obligations set forth in the Commission's Regulations.

13. Met-Ed requests that the Complainant be directed to provide full and complete responses to the Discovery Requests to be received by the undersigned counsel to Met-Ed within ten (10) days after entry of an Order Granting the Motion to Compel.

14. In the event the Complainant is directed by the Commission but fails to respond to Met-Ed requests, Met-Ed requests that the Complaint against Met-Ed be dismissed in its entirety.

WHEREFORE, Metropolitan Edison Company respectfully requests that presiding Judge Haas issue an Order: (a) compelling the Complainant to fully and completely respond to the Discovery Requests such that the responses are received by counsel for Met-Ed no later than five (5) calendar days after entry of an Order on the Motion to Compel; and (b) in the event the Complainant is directed by the Commission but fails to respond to Met-Ed's requests, dismiss in its entirety the Complaint of Craig Jackson.

Respectfully submitted,



Date: September 12, 2018

Margaret A. Morris, Esq.  
Attorney ID No. 75048  
Reger Rizzo & Darnall LLP  
Cira Centre, 13<sup>th</sup> Floor  
2929 Arch Street  
Philadelphia, PA 19104  
(215) 495-6524 tel.  
[mmorris@regerlaw.com](mailto:mmorris@regerlaw.com)

*Counsel for Metropolitan Edison Company*

**Docket No. C-2016-2565262**  
**Craig Jackson v. Metropolitan Edison Company**

Attachment 1

Interrogatories and Requests for Production of Documents  
Set II

August 22, 2018

**Via Electronic and First Class Mail**

Craig Jackson  
275 Frutchey Court, Lot 30  
Mt. Bethel, PA 18343  
[craig.jackson@xaviermanors.com](mailto:craig.jackson@xaviermanors.com)

**Re: Docket No. C-2016-2565262  
Craig Jackson v. Metropolitan Edison Company  
Set II: Interrogatories and Requests for Documents of Met-Ed**

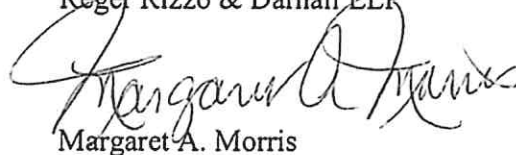
Dear Mr. Jackson:

Enclosed please find the Interrogatories and Request for Production of Documents, Set II, of Pennsylvania Electric Company in the above referenced proceeding. Pursuant to 52 Pa. Code §§ 5.321 and 5.349 et seq. your Objections are due within **ten (10) days** of service of this letter; your Answers are due within **twenty (20) days** of service of this letter.

Please note that you must send a cover letter and Certificate of Service for your responses to the Honorable Dennis J. Buckley and Rosemary Chiavetta, Esquire, Secretary of the PA Public Utility Commission (PUC). **You do not file your response with the PUC.**

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM/jmm  
Enclosure

cc: The Hon. Dennis J. Buckley, PA Public Utility Commission [Cert of Service Only]  
Rosemary Chiavetta, Esquire, PA Public Utility Commission [Cert of Service Only]  
Tori Giesler, Esquire, FirstEnergy Service Company [w/enc.]



# PENNSYLVANIA

PUBLIC UTILITY COMMISSION

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Disc Cert of Service - CJackson.pdf	Other Filing	Certificate of Service

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**Re: Docket No. C-2016-2565262  
Craig Jackson v. Metropolitan Edison Company  
Set II: Interrogatories and Requests for Documents of Met-Ed**


**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served upon the person(s) listed below, in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a participant).

**Via Electronic and First Class Mail**

Craig Jackson  
275 Frutchey Court, Lot 30  
Mt. Bethel, PA 18343  
[Craig.Jackson@xaviermanors.com](mailto:Craig.Jackson@xaviermanors.com)

Dated: August 22, 2018

  
Margaret A. Morris, Esq.

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CRAIG JACKSON	:	
	:	
v.	:	Docket No. C-2016-2565262
	:	
METROPOLITAN EDISON COMPANY	:	

**SET II**  
**INTERROGATORIES AND REQUESTS FOR PRODUCTION**  
**OF DOCUMENTS OF METROPOLITAN EDISON COMPANY**  
**TO THE COMPLAINANT CRAIG JACKSON**

Now comes Metropolitan Edison Company (Met-Ed), by and through its undersigned attorneys, and hereby requests that Craig Jackson answer fully, in writing and under oath, the following interrogatories (questions) and requests for documents pursuant to the 52 Pa. Code §§ 5.321 and 5.349 et seq.

Pursuant to 52 Pa. Code § 5.342, you must send your objections to me within ten (10) days (**August 31, 2018**) and answers within twenty (20) days (**September 10, 2018**). Your answers and objections should **not** be filed with the Pennsylvania Public Utility Commission. You should file the cover letter and Certificate of Service, with the Commission's Secretary. If you have any objection to any of the Interrogatories or the Requests for Documents, please identify the Interrogatory or Request stating your objection in full as to why you should not have to answer/produce it. Any objection not raised within the ten (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.

## **INSTRUCTIONS**<sup>1</sup>

Unless stated otherwise, the following instructions are to be considered to be applicable to all interrogatories:

- (a) Whenever a date, amount or other computation or figure is requested, the exact date, amount or other computation or figure is to be given unless it is not known; and then, the approximate date, amount or other computation or figure should be given or the best estimate thereof; and the answer shall state that the date, amount or other computation or figure is an estimate or approximation.
- (b) No answer is to be left blank. If the answer to an interrogatory or subparagraph of an interrogatory is “none” or “unknown,” such statement must be written in the answer. If the question is inapplicable, “N/A” must be written in the answer. If an answer is omitted because of the claim of privilege, the basis of privilege is to be stated.
- (c) If additional space is required for an answer, attach supplemental answer sheets, which clearly identify the interrogatory number being answered.
- (d) These interrogatories are continuing, and any information secured subsequent to the filing of your answers, which would have been includable in the answers, had it been known or available, are to be supplied by supplemental answers.

## **INTERROGATORIES**

1. Please provide specific details of the practices of Met-Ed that you allege are predatory in the enforcement of the Right of Way (ROW) on your property.

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<sup>1</sup> Complainant is not presented by counsel. Therefore, these instructions have been simplified. A good faith effort to completely answer the questions is expected.

2. Please provide specific details of the practices of Met-Ed that you allege are discriminatory in the enforcement of the ROW on your property.
3. Please list any and all dates that you allege Met-Ed engaged in any predatory practices in the enforcement of the ROW on your property.
4. Please list any and all dates that you allege Met-Ed engaged in any discriminatory practices in the enforcement of the Right of Way on your property.
5. Please list the names and/or descriptions of any Met-Ed personnel you allege engaged in any “predatory” practices.
6. Please list the names and/or descriptions of any Met-Ed personnel you allege engaged in any “discriminatory” practices.
7. Please explain your position that the specific herbicides used in the ROW are dangerous.
8. Please provide the evidence that supports your allegation that the specific herbicides used in the ROW are dangerous.
9. What is your educational background?
10. What is your occupation?
11. Do you currently reside at the property?
  - a. Please identify all occupants residing at the property.
  - b. Please provide the date of birth for each occupant listed.
12. You allege Met-Ed has profiled you based on race. Please identify your race.
13. Is it your position that Met-Ed needed your permission to clear the ROW?
14. You allege there is “concrete evidence” that Met-Ed engaged in discrimination or harassment. Please detail and provide that “concrete evidence.”

15. Please specifically identify what “Caucasian’s trees living in the area” were not cut as alleged.

a. Provide the name and address of the alleged “Caucasian” whose trees were not cut.

b. Provide the timeframe for this allegation.

16. Please explain in detail your allegation that Met-Ed has engaged in a pattern of inconsistencies? Please provide documentation for your position.


17. Please explain your position that the “leaning tree” is a “danger to [the] power lines.”

18. Please provide specific details how Met-Ed implemented “its haphazard tree policy predicated on race.”

**REQUESTS FOR DOCUMENTS**

1. Provide a copy of all proposed exhibits you intend to submit for the hearing.
  
2. Please provide a copy of any and all photographs referenced in your Reply to Preliminary Objections, dated October 4, 2016.
  
3. Please provide a copy of the photo of the “leaning tree” referenced in your response, dated October 12, 2016.
  
4. Provide a list of all witnesses you intend to call at the time of hearing with a brief summary of their expected testimony.
  - a. Identify any witness who will testify as an expert and provide current Curriculum Vitae for each witness you intend to call at hearing.

Respectfully submitted,



Margaret A. Morris, Esquire  
Attorney I.D. # 75045  
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(215) 495-6524 (voice)  
[mmorris@regerlaw.com](mailto:mmorris@regerlaw.com)

Dated: August 22, 2018

*Counsel for Metropolitan Edison Company*

**Re: Docket No. C-2016-2565262  
Craig Jackson v. Metropolitan Edison Company  
Motion of Met-Ed to Compel Discovery Responses**

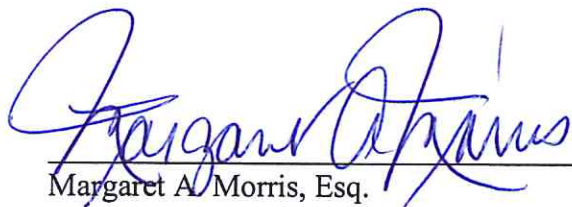
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served upon the person(s) listed below, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**Via Electronic and First Class Mail**

Craig Jackson  
275 Frutchey Court, Lot 30  
Mt. Bethel, PA 18343  
[Craig.Jackson@xaviermanors.com](mailto:Craig.Jackson@xaviermanors.com)

Dated: September 12, 2018

  
Margaret A. Morris, Esq.