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October 15, 2018

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Keystone Bldg. 2nd Floor W
400 N. Street
Harrisburg, PA 17120

RE: Pamela Scott v. Duquesne Light Company
Docket No. C-2018-3004042

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Motion to Compel Discovery Responses.

A copy of this document has been served upon Complainant in accordance with Commission regulations.

Sincerely,



Paul Shane Miller
Attorney for Duquesne Light Company

Jeremy V. Farrell
Attorney for Duquesne Light Company

Enclosure

c: Pamela Scott (with enclosure)

TADMS:5036903-1 014657-158498

MOTION TO COMPEL DISCOVERY RESPONSES

Pursuant to 52 Pa. Code. § 5.342, Duquesne Light Company (“Duquesne Light”) files this Motion to Compel Discovery Responses (“Motion to Compel”):

I. Introduction

1. In this Motion to Compel, Duquesne Light seeks an order requiring Complainant Pamela Scott (“Complainant”) to respond to four discovery requests previously submitted by Duquesne Light that she has objected to.

II. Relevant Factual Background

2. Complainant is a Duquesne Light customer at the property located at 134 Markham Drive, Pittsburgh, PA 15228-1008 (the “Property”). Complaint at ¶ 1.

3. Duquesne Light plans to install a “smart meter” at the Property. Complaint at ¶ 4.

4. Complainant filed a Formal Complaint against Duquesne Light to prevent it from installing a smart meter at the Property. Complaint at ¶ 5.

5. Complainant contends that the installation of a smart meter at her residence threatens her health. Complaint at ¶ 4.

6. Complainant has refused to allow Duquesne Light to install a smart meter at the Property and asks that the Commission permit her to opt out of receiving a smart meter. Complaint at ¶¶ 4-5.

7. Duquesne Light has not installed a smart meter at the Property yet. Complaint at ¶¶ 4-5.

8. On September 24, 2018, Duquesne Light issued its First Set of Discovery Requests Directed to Complainant (the "Discovery Requests").

9. On October 4, 2018, Complainant served Complainant's Objections to Respondent's First Set of Discovery Requests Directed to Complainant ("Complainant's Objections to Discovery").

10. In Complainant's Objections to Discovery, she objected to the following discovery requests by Duquesne Light: #9, #11, #12, and #16.

11. Discovery Request #9 contained the following question and answer:

Question: Provide Your age and educational background, including but not limited to all colleges or universities that You attended and all degrees and/or certifications You have received.

Answer: I object to this discovery requests because it is irrelevant to the case; because Duquesne Light has failed to show a compelling need for this discovery; and because the request may violate my privacy rights.

12. Discovery Request #11 contained the following question and answer:

Question: Have You ever performed work or been employed in the scientific or medical fields?

Answer: I object to this discovery requests because it is irrelevant to the case; because Duquesen Light has failed to show a compelling need for this discovery; because it is vague ("performed work" -- does that include work performed while volunteering at an

elementary school science fair?); and because the request may violate my privacy rights.

13. Discovery Request #12 contained the following question and answer:

Question: If the answer to the preceding request was in the affirmative, state:

- a. The name of each employer that You performed work for in the scientific or medical fields;
- b. Describe, in as much detail as possible, the specific duties that You performed for each employer; and
- c. State the dates on which You performed those duties.

Answer: The answer to the preceding request was an objection, therefore it is my understanding that it follows that the answer to Discovery Request #12 would by default also be an objection.

14. Discovery Request #16 contained the following question and answer:

Question: Outside of the Documents and pleadings already produced in connection with Your Formal Complaint, produce any Document(s) that You have prepared in whole or in part that relates to the subject of radio frequency, Smart Meters, and/or Your Formal Complaint.

Answer: I object to this discovery request because it is overreaching, would cause unreasonable expense and burden; because Duquesne Light has failed to show a compelling need or right for this discovery (e.g., personal emails); and because the request violates the privacy rights of Complainant and third parties.

III. Argument

15. Duquesne Light contends that Complainant should be required to respond to Discovery Request Nos. 9, 11, 12, and 16 if she plans to testify as a witness at any hearing in this matter.

16. Under 52 Pa. Code § 5.341(a), a party may serve upon another party written interrogatories to be answered by the party served.

17. Under 52 Pa. Code § 5.349, a party may serve on another party a request to produce documents.

18. A party may obtain discovery about any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition, and location of any documents. 52 Pa. Code § 5.321(d).

19. In this case, Discovery Requests Nos. 9, 11, 12, and 16 seek non-privileged information that is relevant to the subject matter at hand.

20. In Discovery Request No. 9, Duquesne Light is attempting to discover if Complainant has any educational training relating to smart meters, radiofrequency, or other subject matters raised in the Complaint.

21. If Complainant plans to testify about these topics at the hearing, Duquesne Light has a right to know if she has any educational knowledge or training about those subjects.

22. Similarly in Discovery Request Nos. 11 and 12, Duquesne Light is seeking to determine if Complainant has any scientific or medical work experience.

23. This information is relevant because if Complainant plans to testify about scientific or medical issues at the hearing, Duquesne Light has a right to know if she has any professional experience relating to these topics.

24. Finally in Discovery Request No. 16, Duquesne Light is seeking to obtain any documents relating to the subject of radio frequency, smart meters, or the allegations raised in the Complaint.

25. This information is relevant because if Complainant plans to testify at the hearing about these topics, Duquesne Light has a right to know what she has written about them previously.

26. Alternatively, if Complainant does not plan to testify at the hearing, Duquesne Light would not require answers to Discovery Requests Nos. 9, 11, 12, and 16.

WHEREFORE, Duquesne Light Company respectfully requests that the Commission grant its Motion to Compel Discovery Responses and require Complainant Pamela Scott to provide complete answers to Discovery Requests Nos. 9, 11, 12, and 16.

Respectfully submitted,

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