

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Diana Sabatine	:	
	:	
v.	:	Docket No. C-2018-3002804
	:	
WEST PENN POWER COMPANY	:	

**OBJECTION TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF
DOCUMENTS OF WEST PENN POWER COMPANY TO Diana Sabatine**

AND NOW, Diana Sabatine, a woman, as herself, and not a fictitious entity, files this Objection to **all** Interrogatories and Requests for Production of Documents of West Penn Power Company and/or First Energy Corporation, and/or First Energy Service Company (“West Penn” or the “Company”) to Diana Sabatine dated November 9, 2018 listed as follows:

1. Are you claiming that the installation of a smart meter at your property would cause or contribute to an adverse health condition for any member of your household?
2. If the answer to question 1 is yes, please provide the following information for each household member whose health you claim will be affected:
 - a. Name;
 - b. Age;
 - c. The specific health condition that you believe would be caused by or contributed to as a result of the smart meter being installed;

- d. Whether the household member is already experiencing the specific health condition and, if so, the date on which the condition was first experienced and the date on which the condition was first diagnosed by a medical doctor;
 - e. Whether the household member has experienced the specific health condition within the last four years:
 - f. Any medication prescribed to the household member; and
 - g. Whether the household member has visited a medical professional for the specific health condition, and if so, the name, address, and phone number of the medical professional and the date of the visit(s) to the medical professional.
 - h. Whether a medical doctor has determined that the installation of a smart meter would cause or contribute to the specific health condition;
 - i. Any other health conditions that the household member has experienced or is experiencing and when each condition was first experienced and was first diagnosed by a medical doctor.
3. Please explain how the installation of a smart meter would cause or contribute to a health condition for any person in your household. Be as specific as possible.
4. Please provide the following information regarding your view that the installation of a smart meter at your home would cause or contribute to a health condition for any person in your household.
- a. Please identify each document you rely on in support of the position.

- b. Do you intend to rely on these documents at the time of the hearing in this proceeding?
 - c. Please describe in detail all information you have to support this position.
5. Do you believe the installation of a smart meter at your property would create safety concerns for a member of your household?
6. If the answer to question 5 is yes, please specifically identify each of your safety concerns related to smart meters.
7. Please provide the following information regarding your position that the installation of a smart meter would create safety concerns:
 - a. Please identify each document you rely on in support of the position;
 - b. Do you intend to rely on these documents at the time of the hearing in this proceeding?
 - c. Please describe in detail all information you have to support this position.
 - d. Do you have any relevant educational or work background that qualifies you to assert this position.
 - e. If yes, please identify the relevant educational or work background that qualifies you to assert this position.
8. Are there any cordless phones used in your home?
 - a. For each cordless phone in your home, please provide the name of the phone manufacturer and the model.
9. Do you use a cellular phone?
 - a. If yes, please provide the names of the cell phone manufacturer and model (for example, Apple i-Phone 7S).

- b. Does anyone else in your home use a cellular phone?
 - c. How many cellular phones are in use at your home?
 - d. For each cellular phone used by a member of your household, please provide the name of the cell phone manufacturer and the phone model.
10. Is there satellite television at your home’?
- a. If yes, please provide the name of the satellite television provider (for example, Direct TV).
 - b. If yes, where is your satellite disk located?
11. Is there a laptop computer at the service location?
- a. If yes, where is it located’?
12. Do you have a wifi network in your home’?
- a. If so, where is your wifi router located?
13. In your complaint, you state that “Act 129 is an ‘opt-in’”. Please provide the following information related to this statement:
- a. Is it your position that a customer has the right to request a smart meter not be installed at his service location?
 - b. Is it your position that a customer must request smart meter installation?
 - c. Is it your position that Act 129 of 2008 does not require the utility to install smart meters throughout its service territory?
14. Is it your position that you would like to opt out completely from smart meter installation?
15. Do you believe the installation of a smart meter at your property would violate the privacy or security of a member of your household?

16. If yes to question 15, please specifically describe each of your concerns regarding your household's privacy or security after the installation of a smart meter.
17. Please provide the following information regarding your position that the installation of a smart meter would violate your household's privacy or security:
 - a. Please identify each document you rely on in support of the position.
 - b. Do you intend to rely on these documents at the time of the hearing in this proceeding?
 - c. Please describe in detail all information you have to support this position.
 - d. Do you have any relevant educational or work background that qualifies you to assert this position?
 - e. Is yes, please identify the relevant educational or work background that qualifies you to assert this position.
18. To your knowledge, has a smart meter been installed by the Company at your property?
19. Please describe in detail how you believe a smart meter operates.
20. In your complaint, you state that the standards used to determine the "Electro Magnetic Field (EMF) safety" of smart meters are "woefully outdated." Please provide the following information related to this statement:
 - a. What documents do you rely on in support of this statement?
 - b. Do you intend to rely on these documents at the time of the hearing in this proceeding?
 - c. Please describe in detail the information you have to support this statement.

- d. Please describe in detail the standards used to determine EMF safety as referenced in this statement.
21. In your complaint, you state that the standards to determine EMF safety of smart meters “allow exposure hundreds and even thousands of times that suspected to cause cancer and known to disrupt multiple biological functions in humans, pets, and wild animals.” Please provide the following information related to this statement.
- a. What documents do you rely on in support of this statement?
 - b. Do you intend to rely on these documents at the time of a hearing in this proceeding?
 - c. Please describe in detail the information you have to support this statement.
22. In your complaint, you state that smart meters “when fully deployed, will interface with electric appliances in homes to control their use in my home.” Please provide the following information related to this statement.
- a. What documents do you rely on in support of this statement?
 - b. Do you intend to rely on these documents at the time of the hearing in this proceeding?
 - c. Please describe in detail the information you have to support this statement.
23. Please list the specific issues you intend to raise at the hearing in this proceeding.

24. Please identify the legal support, including specific citations, for each issue identified in question 23. Please list the factual support for each issue identified in question 23.
25. Please provide the following information for all witnesses you intend to call to testify at the hearing in this proceeding.
 - a. Provide the full name of the witness.
 - b. Provide the address and telephone number of the witness.
 - c. Provide the title or position held by the witness.
 - d. Provide the educational background of the witness.
 - e. Provide the employment background of the witness.
 - f. Provide the scope of the testimony for the witness.
27. Would any witness identified in question 26 be offered as an expert?
 - a. If yes, provide the curriculum vitae of the witness and a summary of the testimony the expert witness is expected to provide.
28. Please describe in detail your educational background.
 - a. Please list any relevant certificates, trainings, or degrees that you obtained.
 - b. Please provide a description of the certificate, training, or degree.
 - c. Please provide the date that any certificate, training, or degree was obtained.
 - d. Please provide the name and address of the institution which provided the certificate, training, or degree.
29. Please describe in detail your employment history.
 - a. Please provide your employer name and address.

- b. Please provide the title of your position.
 - c. Please provide the dates of your employment.
 - d. Please provide the duties performed in your position.
30. Please provide copies of all documentation supporting your position that the installation of a smart meter at your home would cause or contribute to an adverse health condition in any member of your household.
31. Please provide copies of all documentation associated with visits by members of your household to a medical professional related to the health conditions identified in question 2, including but not limited to any and all medical records, medical visit reports, and notes and letters from medical doctors or other health care professionals.
32. Please provide copies of all documentation you intend to refer to at the hearing in this proceeding related to smart meters and/or radio frequency fields and health.
33. Please provide copies of all documentation supporting your position that smart meters would create safety issues for you or members of your household.
34. Please provide copies of all documentation you intend to refer to at the hearing in this proceeding related to the safety concerns of smart meters.
35. For each cellular telephone used by a member of your household, please provide a complete copy of the bills you received from your cellular telephone provider for the past 12 months.
36. Please provide copies of all documentation supporting your position that smart meters would violate the privacy or security of your household.

37. Please provide copies of all documentation you intend to refer to at the hearing in this proceeding supporting your position that smart meters would violate the privacy or security of your household.
38. Please provide copies of all documentation supporting your position that your household may opt out of smart meter installation.
39. Please provide copies of all documentation you intend to refer to at the hearing in this proceeding supporting your position that a household may opt out of smart meter installation.
40. Please provide a copy of all proposed exhibits you intend to submit for the hearing in this proceeding.
41. Please provide copies of all documentation you are relying upon in support of your positions in this proceeding.
42. Please provide copies of all documentation you referenced, referred to, or otherwise relied upon in preparing your responses to these discovery requests.

OBJECTION DETAILS

- A. *Interim Order Establishing Initial Litigation Schedule* by Judge Jeffrey Watson dated October 28, 2018, *Commission Rules and Procedures*, states the following:

“Complainant bears the burden of proof and must demonstrate by a preponderance of the evidence that Respondent violated its tariff, the Public Utility Code or a Commission or order or regulation, and that he is entitled to the relief requested in the Complaint.”

- B. On October 11, 2018, the Claimant filed *Notice and Petition for Judicial Determination of Jurisdiction* requesting if the court has jurisdiction to order a change of interpretation of Act 129 of 2008. No response was given indicating the court does not have jurisdiction to order a change of interpretation of Act 129 of 2008.
- C. Act 129 of 2008 is being improperly interpreted by the Pennsylvania Public Utility Commission (PUC) and the Company. The word “shall” in Act 129 means there is no escape from the plain language meaning. The plain language of the act is “at the customer request.” There is nothing in the statute or the history of the statute to think that “at the customer request” means anything but what it says and is only emphasized by the word “shall” that precedes it. I have presented this statute to numerous people and, after reading it, the only ones who think that it is mandatory are some electric company employees and some employees of the COMMONWEALTH OF PENNSYLVANIA. It is a Maxim of Law that a statute be interpreted according to the language of the people, not the language of lawyers or utility companies. How else can the people know what is required of them?
- D. We object to all parts due to vagueness. I cannot know to which dictionary Lauren Lepkoski is referring. “Webster's Dictionary is any of the dictionaries edited by Noah Webster in the early nineteenth century, and numerous related or unrelated dictionaries that have adopted the Webster's name. ‘Webster's’ has become a genericized trademark in the U.S. for dictionaries of the English language, and is

widely used in English dictionary titles.[1] Merriam-Webster is the corporate heir to Noah Webster's original works, which are in the public domain.”

https://en.wikipedia.org/wiki/Webster%27s_Dictionary

E. Therefore, it is impossible for Claimant to obtain relief filed with the PUC. As admitted by Judge Jeffrey Watson, relief is limited to “evidence that Respondent violated its tariff, the Public Utility Code or a Commission or order or regulation.” We have exhausted all administrative remedies and therefore must appeal to a higher court of law.

Dated: November 19, 2018



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