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November 30, 2018

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

**Re: Diana Sabatine v. West Penn Power Company**  
**Docket No. C-2018-3002804**

Dear Secretary Chiavetta:

Enclosed please find the Motion to Compel of West Penn Power Company with regard to the above-captioned matter. This document has been served on the Complainant as shown in the Certificate of Service.

Please contact me if you have any questions regarding this matter.

Very truly yours,



Tori L. Giesler

krak  
Enclosures

c: As Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**DIANA SABATINE**

**v.**

**WEST PENN POWER COMPANY**

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**Docket No. C-2018-3002804**

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**NOTICE TO PLEAD**

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TO: Diana Sabatine

Pursuant to 52 Pa. Code § 5.102(b), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion to Compel of West Penn Power Company within **five (5) days** from the service of the Notice, the facts set forth by West Penn Power Company in the Motion may be deemed to be true, thereby requirement no other proof. All pleading, such as a Reply to Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy service to counsel for West Penn Power Company, and where applicable, the Administrative Law Judge presiding over the case.

File with:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

With a copy to:

Administrative Law Judge Jeffrey A. Watson  
Pennsylvania Public Utility Commission  
301 5<sup>th</sup> Avenue, Suite 220  
Pittsburgh, PA 15222

Lauren M. Lepkoski  
Tori L. Giesler  
FirstEnergy Service Company  
2800 Pottsville Pike  
P.O. Box 16001  
Reading, Pennsylvania 19612-6001

Date: November 30, 2018



Lauren M. Lepkoski, Esquire  
Tori L. Giesler, Esquire

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**DIANA SABATINE**

**v.**

**WEST PENN POWER COMPANY**

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**Docket No. C-2018-3002804**

**MOTION OF WEST PENN POWER COMPANY TO COMPEL RESPONSES TO  
INTERROGATORIES AND DOCUMENT REQUESTS**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

West Penn Power Company (“West Penn” or the “Company”) by and through its attorneys, Lauren M. Lepkoski and Tori L. Giesler, and pursuant to 52 Pa. Code §§ 5.371-5.372, hereby files this Motion to compel Diana Sabatine (“Complainant”) to provide full and complete responses to interrogatories and document requests issued by the Company on November 9, 2018. In support thereof, the Company avers as follows:

**I. BACKGROUND**

1. On June 18, 2018, the Complainant filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission”) regarding 315 Possum Hollow Road, Latrobe, Pennsylvania 15650 (“Service Location”) which was served on the Company that same day.

2. On July 9, 2018, the Company filed its Answer and New Matter denying the material allegations. On the same day, the Company also filed Preliminary Objections to the Formal Complaint.

3. On July 16, 2018, the Complainant filed a petition for extension of time for 120 days to file a reply to the Preliminary Objections and Answer and New Matter.

4. On July 24, 2018, a Motion Judge Assignment Notice was issued and Administrative Law Judge (“ALJ”) Jeffrey A. Watson was assigned as the Presiding Officer in the above-captioned proceeding.

5. On July 25, 2018, the Company opposed the Complainant’s request for a 120-day extension to file a reply to the Preliminary Objections and Answer and New Matter.

6. The Complainant filed an Amended Formal Complaint which was dated July 27, 2018 and served on the Company on August 2, 2018.

7. On August 1, 2018, the Complainant filed a letter in response to the Company’s opposition of the Complainant’s request for a 120-day extension of time to file a reply to the Preliminary Objections and Answer and New Matter.

8. On August 7, 2018, ALJ Watson issued an Interim Order which granted in part the Complainant’s request for an extension of time to file a reply to the Preliminary Objections and Answer and New Matter. ALJ Watson found that: (1) the Complainant’s request for an extension of time to file a reply to the Preliminary Objections and Answer and New Matter was rendered moot by the filing of the Amended Formal Complaint on July 27, 2018; (2) the Company’s preliminary objections filed on July 9, 2018 were rendered moot by the filing of the Amended Formal Complaint on July 27, 2018; (3) the Company may file a responsive pleading, to include preliminary objections, answer and new matter to the amended formal complaint not later than August 24, 2018; and (4) in the event the Company files a responsive pleading(s) to the Amended Formal Complaint, the Complainant shall be permitted to file a response to the pleadings filed by Respondent not later than September 21, 2018 and provide copies to counsel for the Company,

ALJ Watson, contemporaneously with the filing of the responsive pleadings with the Commission's Secretary.

9. On August 22, 2018, the Company filed its Answer and New Matter to the Amended Formal Complaint denying the material allegations. On the same day, the Company also filed Preliminary Objections to the Amended Formal Complaint.

10. On August 30, 2018, the Complainant filed a request for an extension of time to file a response to the Preliminary Objections and Answer and New Matter to the Amended Formal Complaint.

11. On September 17, 2018, the Complainant filed a renewed request for an extension of time to file a response to the Preliminary Objections and Answer and New Matter to the Amended Formal Complaint.

12. On September 21, 2018, the Complainant filed a response to the Company's Preliminary Objections to the Amended Formal Complaint as well as a response to the Company's Answer and New Matter to the Amended Formal Complaint.

13. On October 12, 2018, the Complainant filed a Notice and Petition for Judicial Determination of Jurisdiction.

14. On October 17, 2018, On October 15, 2018, ALJ Watson issued an Interim Order which denied the Company's Preliminary Objections. That same day, ALJ Watson issued an Interim Order which established a litigation schedule.

15. On October 25, 2018, the Complainant filed a Petition for Interim Review of Law by Pennsylvania Commonwealth Court to Determine Jurisdiction. That same day, the Complainant filed a "settlement offer" which was directed to the Company and valid for twenty days.

16. On November 9, 2018, in accordance with 52 Pa. Code § 5.341, the Company issued to the Complainant interrogatories and document requests (“Discovery Requests”) via first class mail. In its Discovery Requests, the Company sought information and documents related to the Complainant’s allegations regarding the Company’s smart meters.

17. By letter dated November 19, 2018, the Complainant objected to all of the Company’s Discovery Requests. The Complainant objected on the grounds that: (a) the Interim Order issued by ALJ Watson on October 28, 2018<sup>1</sup> states that the “Complainant bears the burden of proof and must demonstrate by a preponderance of the evidence that the Respondent violated its tariff, the Public Utility Code or a Commission order or regulation, and that he is entitled to the relief requested in the Complaint; (b) the Complainant filed a Notice and Petition for Judicial Determination of Jurisdiction which remains pending; (c) Act 129 of 2008 is being misinterpreted by the Commission and the Company; (d) the “vagueness” of the Discovery Requests; (e) that it is “impossible” for the Complainant to obtain relief from the Commission and therefore must appeal to a higher court of law.

18. A full copy of the Company’s Discovery Requests is attached as Exhibit A.

19. A full copy of the Complainant’s Objections to the Company’s Discovery Requests is attached as Exhibit B.

20. At no point did the Complainant contact the Company to discuss the Discovery Requests or to seek an extension of time to respond to the Discovery Requests.

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<sup>1</sup> The Interim Order Establishing Initial Litigation Schedule was issued on October 17, 2018.

## II. MOTION TO COMPEL

21. Complainant generally objects to all of the Company's discovery requests and appears to argue that she should not be required to respond because she believes Act 129 of 2008 is being misinterpreted by the Commission, the Discovery Requests are "vague" and that it would be "impossible" for the Complainant to obtain relief and must therefore appeal to a "higher court of law." These objections are without merit. Accordingly, Complainant's general objections should be rejected.

22. Discoverable matter under the Commission's regulations is matter that is relevant and unprivileged. 66 Pa.C.S. § 333(d). The standard for permissible discovery is set forth in the Commission's regulations at 52 Pa. Code § 5.321(c) as follows:

### **§ 5.321. Scope.**

(c) *Scope.* Subject to this subchapter, a party may obtain discovery regarding 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 books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter. It is not ground 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.

23. There are limitations on discovery. Those limitations are set forth in the Commission's regulations at 52 Pa. Code § 5.361(a) - (c) as follows:

### **§ 5.361. Limitation of scope of discovery and deposition.**

(a) Discovery or deposition is not permitted which:

(1) Is sought in bad faith.

(2) Would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party.

(3) Relates to matter which is privileged.

(4) Would require the making of an unreasonable investigation by the deponent, a party or witness.

(b) In rate proceedings, discovery is not limited under subsection (a) solely because the discovery request requires the compilation of data or information which the

answering party does not maintain in the format requested, in the normal course of business, or because the discovery request requires that the answering party make a special study or analysis, if the study or analysis cannot reasonably be conducted by the party making the request.

(c) If the information requested has been previously provided, the answering party shall specify the location of the information.

24. 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.

25. Despite the Complainant’s assertion that the Company’s questions are too “vague” to respond to, the information sought here by the Company is relatively simple and straightforward. It is directly relevant and material to the issues raised by the Complainant in her Amended Formal Complaint providing the basis for her denial of a smart meter. The Company is entitled to the requested information to enable it to fully investigate what information the Complainant relied on to make the specific and detailed allegations she did in her Amended Formal Complaint.

26. Furthermore, the Complainant’s objection related to the Notice and Petition for Judicial Determination of Jurisdiction she attempted to file is not a valid objection. First, it should be clarified that Ms. Sabatine’s Petition was in fact not signed and was therefore rejected for filing until this error is cured. Even if it had been properly filed, however, pending preliminary motions

do not serve to “stay” the discovery process as the Complainant seems to believe, and she remains obligated to respond to the Discovery Requests.

27. Meanwhile, the Complainant’s assertion that it is “impossible” for the Complainant to obtain relief from the Commission, therefore requiring her appeal to a higher court of law, as well as the questions she raises as to jurisdiction in the Petition she attempted to file suggests that Ms. Sabatine has no intent to participate in the Commission’s adjudicatory process. The Company reminds Ms. Sabatine that she initiated this proceeding, and she can withdraw her case at any time. However, to the extent she desires it to move forward, she must participate and adhere to the rules of administrative process and procedure, including those related to discovery in contested proceedings.

28. To that point, the Complainant’s objections on the grounds that the Interim Order issued by ALJ Watson on October 28, 2018 states that the “Complainant bears the burden of proof and must demonstrate by a preponderance of the evidence that the Respondent violated its tariff, the Public Utility Code or a Commission order or regulation, and that he is entitled to the relief requested in the Complaint, as well as her assertion that Act 129 of 2008 is being misinterpreted by the Commission and the Company demonstrate the very reason that she should be directed to respond to discovery in this case. The Complainant, by her own admission in her Objections, acknowledges that she bears the burden of proof and is required to actively prosecute this matter. Her wholesale unwillingness to respond to the Discovery Requests is not consistent with her obligation to participate in this proceeding as the party bearing the burden of prosecuting the complaint she raised.

29. 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.

30. Further, 52 Pa. Code § 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.

31. The Company requests that the Complainant be directed to provide full and complete responses to the Discovery Requests to be received by the undersigned counsel for the Company within five business days after entry of an Order Granting the Motion to Compel.

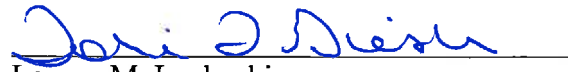
32. In the event the Complainant is directed by the Commission, but fail to respond to the Company's Discovery Requests, the Company respectfully requests that the Complaint against the Company be dismissed in its entirety.

WHEREFORE, West Penn Power Company respectfully requests that the Commission issue an Order compelling the Complainant to fully and completely respond to the Discovery Requests such that the responses are received by counsel for the Company no later than five business days after entry of an Order on the Motion to Compel. Further, in the event the

Complainant does not comply with the Order directed by the Commission and fails to respond to the Company's Discovery Requests, the Company respectfully requests that the Commission dismiss in its entirety the Complaint of Diana Sabatine.

Respectfully submitted,

Dated: November 30, 2018



Lauren M. Lepkoski

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Tori L. Giesler

Attorney No. 207742

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Counsel for West Penn Power Company



2800 Pottsville Pike  
PO Box 16001  
Reading, PA 19612-6001

Lauren M. Lepkoski, Esq.  
(610) 921-6203  
(330) 315-9263 (Fax)

November 9, 2018

**VIA FIRST CLASS MAIL**

Diana Sabatine  
315 Possum Hollow Road  
Latrobe, PA 15650

**Re: Diana Sabatine v. West Penn Power Company**  
**Docket No. C-2018-3002804**

Dear Ms. Sabatine:

Enclosed please find the Interrogatories and Requests for Production of Documents (Set I) to Diana Sabatine. Pursuant to 52 Pa. Code §§ 5.341 and 5.349, *et seq.*, your answers are due within twenty days of service of this letter (November 29, 2018). In addition, any objections are due within ten days of service of this letter (November 19, 2018). This document has been served as indicated within the Certificate of Service.

Very truly yours,

A handwritten signature in cursive script that reads "L. M. Lepkoski".

Lauren M. Lepkoski

Enclosures

c: As Per Certificate of Service  
The Honorable Jeffrey Watson, Public Utility Commission (Cover Letter and Certificate)  
Rosemary Chiavetta, Esq., Public Utility Commission (Cover Letter and Certificate)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**DIANA SABATINE**

v.

**WEST PENN POWER COMPANY**

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**Docket No. C-2018-3002804**

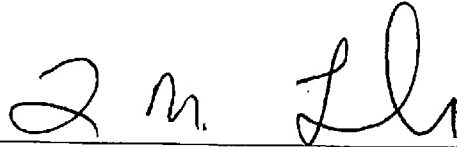
**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the Interrogatories and Requests for Production of Documents of West Penn Power Company to Diana Sabatine upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by First Class Mail, postage prepaid, as follows:

Diana Sabatine  
315 Possum Hollow Road  
Latrobe, PA 15650

Dated: November 9, 2018



Lauren M. Lepkoski  
FirstEnergy Service Company  
2800 Pottsville Pike  
P.O. Box 16001  
Reading, Pennsylvania 19612-6001  
(610) 921-6203  
[llepkoski@firstenergycorp.com](mailto:llepkoski@firstenergycorp.com)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>DIANA SABATINE</b>	:	
	:	
<b>v.</b>	:	<b>Docket No. C-2018-3002804</b>
	:	
<b>WEST PENN POWER COMPANY</b>	:	
	:	

**INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS OF  
WEST PENN POWER COMPANY TO DIANA SABATINE, SET I**

West Penn Power Company hereby propounds these Interrogatories and Requests for Production of Documents (Set I) to Diana Sabatine (the "Complainant"). Telephone or other contact concerning availability and timing of formal responses is encouraged. The answer to each interrogatory should be started on a new page. The answers should restate the question asked and indicate the person(s) supplying the information.

Pursuant to 52 Pa. Code § 5.342, you must send your answers to me within 20 days (November 29, 2018) and objections within 10 days (November 19, 2018). Your answers and objections should not be filed with the Pennsylvania Public Utility Commission. You should only file the cover letter and certificate of service, with the Commission's Secretary Rosemary Chiavetta and send a copy to Administrative Law Judge Jeffrey A Watson. If you have any objection to any of the interrogatories or the request for documents, please identify the interrogatory or request and state your objection in full as to why you should not have to answer/produce it. Any objection not raised within the 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.

Dated: November 9, 2018

**INSTRUCTIONS**

A. In answering these Interrogatories and Requests for Production of Documents, please furnish all information available to you, including any such information possessed by others that you can obtain, and not merely such information known of your own personal knowledge. If you cannot answer the Interrogatories and Requests in full after exercising due diligence to secure the information to do so, so state and answer to the extent possible.

B. Other than for the reasons identified herein, you must provide an answer to all Interrogatories and Requests for Production of Documents. If the answer to the question is “none” or “unknown,” such statement must be written in the answer. If you consider the question to be inapplicable, “N/A” must be written in the answer. If an answer is omitted because of a claim of privilege, the basis of privilege is to be stated.

C. If the answer to any of the Interrogatories and Requests for Production of Documents is that you lack knowledge of some or all of the requested information, describe all efforts made by you to obtain the information necessary to answer that Interrogatory or Request.

D. These Interrogatories and Requests for Production of Documents are to be deemed continuing in nature, and you shall promptly supply, by way of supplemental response, any additional responsive information that may become known to you or anyone acting on your behalf after your answers have been prepared or served.

E. As used herein, the terms “Complainant” and “you” refer to Diana Sabatine and her attorneys, agents, or representatives.

F. As used herein, the terms “Company” or “Respondent” refer to West Penn Power Company, and any agent, agency, or affiliate thereof.

G. As used herein, the term “proceeding” refers to the instant complaint proceeding at the Pennsylvania Public Utility Commission at Docket No. C-2018-3002804.

H. As used herein, the terms “service location,” “property,” or “home” refer to your service address of 315 Possum Hollow Road, Latrobe, Pennsylvania 15650.

I. As used herein, the term “household” refers to you and all other individuals who reside at the service location.

J. As used herein, the terms “document” or “documentation” includes any written, printed, typed, recorded, or graphic matter, whether produced or reproduced or stored on paper, cards, tapes, film, electronic facsimile, computer storage devices or any other devices or media, including, but not limited to papers; books; letters; photographs; objects; tangible things; correspondence; e-mails; websites; webpages; telegrams; cables; telex messages; memoranda; medical records; notes; notations; records; work papers; transcripts; minutes; reports and recordings of telephone or other conversations, or of interviews, or of conferences, or of other meetings; affidavits; statements; opinions; proposals; reports; surveys; plans; studies; analyses; audits; evaluations; contracts; agreements; journals; statistical records; invoices; receipts; desk calendars; appointment books; diaries; lists; tabulations; summaries; sound recordings; computer printouts; data processing input and output; microfilms; all records kept by electronic, photographic, or mechanical means; and things similar to any of the foregoing, however denominated. When one or more of the foregoing documents is requested or referred to, the request or reference shall include, but is not limited to, the original and each and every copy and draft thereof having writings, notations, corrections, or markings unique to such copy or draft.

K. As used herein, all other words are to be given their ordinary and usual meanings, according to a current edition of Webster’s Dictionary.

**INTERROGATORIES OF WEST PENN POWER COMPANY TO DIANA SABATINE,**  
**SET I**

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.



- 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 dish 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.
25. Please list the factual support for each issue identified in question 23.
26. 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.

**REQUESTS FOR PRODUCTION OF DOCUMENTS OF WEST PENN POWER  
COMPANY COMPANY TO DIANA SABATINE, SET I**

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.

Diana Sabatine  
315 Possum Hollow Road  
Latrobe, Pennsylvania [15650]  
(724) 689-9771

November 19, 2018

*Via E-Service and First Class Mail*

Lauren M. Lepkoski Esq.  
First Energy Service Company  
2800 Pottsville Pike  
PO Box 16001  
Reading, PA 19612

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

Dear Ms. Lauren M. Lepkoski:

Please see the attached Certificate of Service for *Objection to Interrogatories and Requests for Production of Documents of West Penn Power Company to Diana Sabatine* in the above referenced docket number. This document has been served as indicated within the Certificate of Service.

Sincerely,



Diana Sabatine

c: *Accepts E-Service:*  
Judge Jeffrey Watson, Public Utility Commission  
Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the *Objection to Interrogatories and Requests for Production to Diana Sabatine* upon the individual listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by First Class Mail, postage prepaid, as follows:

Lauren M. Lepkoski, Esquire  
First Energy Service Company  
2800 Pottsville Pike  
P.O. Box 16001  
Reading, Pennsylvania 19612

Dated: November 19, 2018



\_\_\_\_\_  
Diana Sabatine  
315 Possum Hollow Road  
Latrobe, Pennsylvania [15650]  
(724) 689-9771

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

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

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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](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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Diana Sabatine  
315 Possum Hollow Road  
Latrobe, Pennsylvania [15650]  
(724) 689-9771

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**DIANA SABATINE**

**V.**

**WEST PENN POWER COMPANY**

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:  
:  
:  
:

**Docket No. C-2018-3003023**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the Motion to Compel of West Penn Power Company upon the individual listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by First Class Mail, postage prepaid, as follows:

Diana Sabatine  
315 Possum Hollow Road  
Latrobe, PA 15650

Administrative Law Judge Jeffrey A. Watson  
Pennsylvania Public Utility Commission  
301 5<sup>th</sup> Avenue, Suite 220  
Pittsburgh, PA 15222

Dated: November 30, 2018



Lauren M. Lepkoski  
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FirstEnergy Service Company  
2800 Pottsville Pike  
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