

MOTION TO COMPEL DISCOVERY RESPONSES

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

1. In this Motion to Compel, Duquesne Light seeks an order requiring Complainant Miranda Grace Edwards (“Complainant”) to respond to certain discovery requests that Duquesne Light served to her on July 10, 2018.

2. Complainant filed this action on or about June 14, 2018 against Duquesne Light to prevent the Company from installing a smart meter at her residence located at 3835 Acorn Street, Pittsburgh, PA 15207 (the “Property”).

3. On July 5, 2018, Duquesne Light filed an Answer and New Matter and Preliminary Objections, respectively.

4. On August 6, 2018, Complainant filed a response to Duquesne Light’s Preliminary Objections. In the response, Complainant claimed, among other things, that Duquesne Light’s smart meters emit harmful radiofrequency radiation, pose a safety risk, invade customers’ privacy, and violate her property rights.

5. On August 15, 2018, Complainant filed a response to Duquesne Light’s Answer and New Matter.

6. On July 10, 2018, Duquesne Light served its First Set of Discovery Requests Directed to Complainant (“Duquesne Light’s Discovery Requests”). A copy of Duquesne Light’s Discovery Requests are attached as Exhibit A.

7. On August 20, 2018, Complainant filed an Objection to and Motion to Strike Duquesne Light’s Discovery Requests (the “Motion to Strike”).

8. In the Motion to Strike, Complainant asserted that Duquesne Light's Discovery Requests were untimely, burdensome, irrelevant, and unnecessary and thus should be struck by the Presiding Administrative Law Judge.

9. On September 10, 2018, Duquesne Light filed a response to the Motion to Strike and requested that a ruling on the Motion to Strike be held in abeyance until after the Presiding Administrative Law Judge ruled on Duquesne Light's forthcoming motion for summary judgment.

10. On October 24, 2018, the Presiding Administrative Law Judge granted Duquesne Light's Preliminary Objections, in part, by dismissing Complainant's claims under the Fourth Amendment to the United States Constitution. The Presiding Administrative Law Judge denied Duquesne Light's Preliminary Objections in all other respects.

11. On the same date, the Presiding Administrative Law Judge also issued an Interim Order Granting Respondent's Motion to Compel (the "Interim Order").

12. The Interim Order denied Duquesne Light's request to hold any ruling on the Motion to Strike in abeyance until after the Presiding Administrative Law Judge ruled on Duquesne Light's forthcoming motion for summary judgment.

13. The Interim Order also denied Complainant's Motion to Strike Duquesne Light's Discovery Requests. The Interim Order instructed Complainant to "serve upon Counsel for Respondent, objections where appropriate to any specific discovery requests and full and complete responses to the interrogatories and requests for production of documents served by Respondent on July 10, 2018, on or before November 30, 2018."

14. On November 30, 2018, Duquesne Light received Complainant's responses to Duquesne Light's Discovery Requests ("Complainant's Discovery Responses"). A copy of Complainant's Discovery Responses are attached as Exhibit B.

15. Duquesne Light's Discovery Requests contain 29 total questions.

16. In Complainant's Discovery Responses, she raised objections to the following questions: 2, 4, 6, 16, 17, 18, 27, 28, and 29.

17. Duquesne Light sets forth the question and answer to each of these questions below and, for the reasons explained in more detail below, respectfully requests that the Presiding Administrative Law Judge overrule Complainant's objections and order that she provide full and complete responses to these discovery requests within 10 days from the date of the order.

Discovery Request No. 2

18. In Discovery Request No. 2, Duquesne Light asked the follow question: "Produce all Documents, including but not limited to hospital and/or medical records and studies, that relate to Your answer to Discovery Request No. 1."¹ See Exhibit A, p.3.

19. Complainant objected to this Discovery Request because "requesting that I produce 'all' Documents that would support my claim is overly burdensome to the point of impossibility" and "any request to produce any of my personal medical information—or that of anyone who spends time in my home—is unnecessarily intrusive." See Exhibit B, p.5.

20. Duquesne Light contends that Complainant should be required to produce the documents requested in Discovery Request No. 2 because Complainant has asserted in her Complaint that the installation of a smart meter at the Property by Duquesne Light would negatively affect her health. Given that Complainant has placed her health at issue, Duquesne Light is entitled to obtain hospital and medical records that allegedly support her claim. This information is not privileged and is directly "relevant to the subject matter involved in the pending action" and "is "reasonably calculated to lead to the discovery of admissible evidence."

¹ In Discovery Request No. 1, Duquesne Light asked Complainant to "State all facts that support Your claim that Duquesne Light's installation of a Smart Meter at the Property will negatively affect Your health." See Exhibit A, p. 3.

See Pa. R.C.P. 4003.1(a)-(b). Duquesne Light is willing to enter into a confidentiality agreement with Complainant to protect her hospital and medical records.

Discovery Request No. 4

21. In Discovery Request No. 4, Duquesne Light asked Complainant to “Produce all Documents that relate to Your answer to Discovery Request No. 3.”² See Exhibit A, p. 4.

22. Complainant objected to this Discovery Request by asserting, “[r]equesting that I produce “all” Documents that would support my claim is overly burdensome to the point of impossibility.” See Exhibit B, p. 6.

23. Duquesne Light contends that Complainant should be required to produce the documents requested in Discovery Request No. 4 because although the Presiding Administrative Law Judge dismissed Complainant’s claims under the Fourth Amendment to the United States Constitution, she still appears to claim that Duquesne Light’s smart meters infringe upon her privacy rights. Given that Complainant has placed her privacy at issue in this case, Duquesne Light is entitled to obtain any documents that allegedly support her claim.

Discovery Request No. 6

24. In Discovery Request No. 6, Duquesne Light asked Complainant to “Produce all Documents that relate to Your answer to Discovery Request No. 5.”³ See Exhibit A, p. 4.

25. Complainant objected to this Discovery Request by asserting, “[r]equesting that I produce “all” Documents that would support my claim is overly burdensome to the point of impossibility.” She also asserted, “Abundant evidence that smart meters have caused house

² In Discovery Request No. 3, Duquesne Light asked Complainant to “State all facts that support Your claim that Duquesne Light’s installation of a Smart Meter at the Property will infringe upon Your privacy and/or violate Your rights under the Fourth Amendment to the United States Constitution.” See Exhibit A, p. 3.

³ In Discovery Request No. 5, Duquesne Light asked Complainant to “State all facts that support Your claim that Duquesne Light’s installation of a Smart Meter at the Property poses a potential fire hazard.” See Exhibit A, p. 4.

fires exists, including court records and news stories that are publicly available and can be accessed by DLC without my intervention.” See Exhibit B, pp. 6-7.

26. Duquesne Light contends that Complainant should be required to produce the documents requested in Discovery Request No. 6 because Complainant has alleged that Duquesne Light’s smart meters pose a fire hazard. Any evidence in Complainant’s possession, custody, or control that she believes support this claim is directly relevant to this case and must be produced to Duquesne Light.

Discovery Request No. 16

27. In Discovery Request No. 16, Duquesne Light asked the following question: “Identify the type (with make and model) of all devices, appliances, and equipment used in Your home or by You in Your daily life that produce radio frequency or low frequency fields, including, but not limited to, cell phones, microwave ovens, wireless internet, and Wi-Fi routers.” See Exhibit A, p. 7.

28. Complainant objected to this Discovery Request by stating, “Discovery Request No. 16 is irrelevant because of crucial differences between any “devices, appliances, and equipment used by [me] in [my] home or in [my] daily life” and the Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter. Furthermore, providing information on these products of which I have ownership and control would open the door to even more intrusive lines of inquiry, such as Discovery Request No. 17.” See Exhibit B, pp. 8-9.

29. Duquesne Light contends that Complainant should be required to respond to the question set forth in Discovery Request No. 16 because Complainant has alleged that radiofrequency radiation allegedly emitted from Duquesne Light’s smart meters will negatively affect her health, and Duquesne Light is entitled to know if Complainant is regularly exposed to radiofrequency radiation from other sources, including cell phones, microwave ovens, wireless internet, and Wi-Fi routers.

Discovery Request No. 17

30. In Discovery Request No. 17, Duquesne Light asked the following question: “For each cell phone identified in response to the preceding request [Discovery Request No. 16], produce the last six months of bills or other usage records for the phone with sufficient detail to show Your actual usage for that period.” See Exhibit A, p. 7.

31. Complainant objected to this Discovery Request by stating, “Discovery Request No. 17 is irrelevant because of crucial differences between products owned and controlled by the user (such as cell phones) and smart meters noted in my response to Discovery Request No. 16. It is also intrusive, asking me to provide exactly the type of detailed information I do not want DLC and unknown parties collecting and storing about my daily activities.” See Exhibit B, p. 9.

32. Duquesne Light contends that Complainant should be required to respond to Discovery Request No. 17 because the requested information is not privileged and is relevant to this case. Complainant has placed her health at issue in her Complaint. If she regularly uses a cell phone that emits radiofrequency radiation, it makes it less likely that she can prove that any negative health effects allegedly associated with radiofrequency radiation are caused by Duquesne Light’s smart meters as opposed to her cell phone or other devices that emit radiofrequency radiation. Duquesne Light is entitled to know how frequently Complainant uses her cell phone, and that is the purpose of the request set forth in Discovery Request No. 16.

Discovery Request No. 18

33. In Discovery Request No. 18, Duquesne Light asked the following question: “Produce all documents, including, but not limited to, user manuals and instructional materials,

relating to each device identified in response to Discovery Request No. 16.”⁴ See Exhibit A, p. 8.

34. Complainant objected to this Discovery Request by stating, “See answer to Discovery Request No. 16.”⁵ See Exhibit B, p. 9.

35. Duquesne Light contends that Complainant should be required to respond to Discovery Request No. 18 because, as explained in paragraph 29 of this Motion, if Complainant has other devices, appliances, or equipment in her home that emit radio frequency or low frequency fields – such as cell phones, microwave ovens, wireless internet, and Wi-Fi routers – that makes it less likely that she can establish that any negative health effects that she allegedly experiences due to radio frequency radiation can be attributed to Duquesne Light’s smart meters as opposed to some other devices. Duquesne Light is seeking to obtain all documents – including but not limited to user manuals and instructional materials – relating to each of these devices that are in Complainant’s home so that Duquesne Light can determine how much radiofrequency radiation each product emits. This information is not privileged and is relevant to this case, and Duquesne Light should be permitted to obtain it.

Discovery Request No. 27

36. In Discovery Request No. 27, Duquesne Light asked the following question: “Identify all medical conditions that make You vulnerable to, or that would be aggravated by,

⁴ As noted in paragraph 27 of this Motion, Discovery Request No. 16 asked the following question: “Identify the type (with make and model) of all devices, appliances, and equipment used in Your home or by You in Your daily life that produce radio frequency or low frequency fields, including, but not limited to, cell phones, microwave ovens, wireless internet, and Wi-Fi routers.”

⁵ As noted in paragraph 28 of this Motion, Complainant objected to Discovery Request No. 16 by stating, “Discovery Request No. 16 is irrelevant because of crucial differences between any “devices, appliances, and equipment used by [me] in [my] home or in [my] daily life” and the Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter. Furthermore, providing information on these products of which I have ownership and control would open the door to even more intrusive lines of inquiry, such as Discovery Request No. 17.”

proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.” See Exhibit A, p. 10.

37. Complainant objected to this Discovery Request by stating, “See answer to Discovery Request No. 2.”⁶ See Exhibit B, p. 11.

38. Duquesne Light contends that Complainant should be required to respond to Discovery Request No. 27 because Complainant has alleged that she will suffer negative health effects if Duquesne Light installs a smart meter at the Property. Duquesne Light therefore is entitled to know which specific medical conditions make Complainant vulnerable to, or that would be aggravated by, the installation of a smart meter by Duquesne Light. This information is not privileged and is relevant to this case because Complainant has placed her health at issue. Duquesne Light is willing to enter into a confidentiality agreement with Complainant to protect her hospital and medical records.

Discovery Request No. 28

39. In Discovery Request No. 28, Duquesne Light asked the following question: “Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating that You suffer from the medical condition(s) identified in Your response to Discovery Request No. 27.” See Exhibit A, p. 10.

40. Complainant objected to this Discovery Request by stating, “See answer to Discovery Request No. 2.”⁷ See Exhibit B, p. 11.

⁶ As noted in paragraph 18 of this Motion, Duquesne Light made the following request in Discovery Request No. 2: “Produce all Documents, including but not limited to hospital and/or medical records and studies, that relate to Your answer to Discovery Request No. 1.” In response, as noted in paragraph 19 of this Motion, Complainant objected to Discovery Request No. 2 by stating, “requesting that I produce ‘all’ Documents that would support my claim is overly burdensome to the point of impossibility” and “any request to produce any of my personal medical information—or that of anyone who spends time in my home—is unnecessarily intrusive.”

⁷ As noted in paragraph 18 of this Motion, Duquesne Light made the following request in Discovery Request No. 2: “Produce all Documents, including but not limited to hospital and/or medical records and studies, that relate to Your answer to Discovery Request No. 1.” In response, as noted in paragraph 19

41. Duquesne Light contends that Complainant should be required to respond to Discovery Request No. 28 because Complainant has alleged that she will suffer negative health effects if Duquesne Light installs a smart meter at the Property. Duquesne Light thus is entitled to obtain any evidence that supports this allegation, including Complainant's hospital or medical records that demonstrate that she suffers from the medical conditions that she claims will be negatively affected by the installation of a smart meter by Duquesne Light at the Property. Duquesne Light is willing to enter into a confidentiality agreement with Complainant to protect her hospital and medical records.

Discovery Request No. 29

42. In Discovery Request No. 29, Duquesne Light asked the following question: "Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating the relationship between the medical condition(s) identified in Your response to Discovery Request No. 27 and Your proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter." See Exhibit A, p. 10.

43. Complainant objected to this Discovery Request by stating, "See answer to Discovery Request No. 2." See Exhibit B, p. 11.

44. Duquesne Light contends that Complainant should be required to respond to Discovery Request No. 29 because Complainant has alleged that her health will be negatively affected if Duquesne Light installs a smart meter at the Property. Duquesne Light is therefore entitled to receive any evidence, including hospital and/or medical records and studies, demonstrating that a health condition that Complainant claims to suffer from will be impaired by the installation of a smart meter by Duquesne Light.

of this Motion, Complainant objected to Discovery Request No. 2 by stating, "requesting that I produce 'all' Documents that would support my claim is overly burdensome to the point of impossibility" and "any request to produce any of my personal medical information—or that of anyone who spends time in my home—is unnecessarily intrusive."

WHEREFORE, Duquesne Light Company respectfully requests that the Presiding Administrative Law Judge grant its Motion to Compel Discovery Responses and require Complainant Miranda Grace Edwards to provide complete answers to Discovery Request Nos. 2, 4, 6, 16, 17, 18, 27, 28, and 29 from Duquesne Light's First Set of Discovery Requests Directed to Complainant within ten days from the date of the order.

Respectfully submitted,

TUCKER ARENSBERG, P.C.



Paul Shane Miller, Esquire
PA I.D. No. 319174
(412) 594-5503

Jeremy V. Farrell, Esquire
PA I.D. No. 316258
(412) 594-3938
1500 One PPG Place
Pittsburgh, PA 15222

Counsel for Respondent,
Duquesne Light Company

July 10, 2018

Miranda Grace Edwards
35 Acorn Street
Pittsburgh, PA 15207

RE: Miranda Grace Edwards v. Duquesne Light Company
Docket No. C-2018-3002741

Dear Ms. Edwards:

Enclosed please find Duquesne Light's First Set of Discovery Requests Directed to Complainant. You must respond to each discovery request within twenty days after the date of service. Your responses must be verified in accordance with 52 Pa. Code § 1.36. Thank you for your attention to this request.

Sincerely,

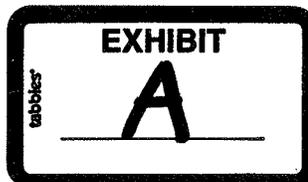


Paul Shane Miller, Esquire
Attorney for Duquesne Light company

Jeremy V. Farrell, Esquire
Attorney for Duquesne Light Company

PSM/sls
Enclosure

LIT:643076-1 014657-158498



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MIRANDA GRACE EDWARDS,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2018-3002741

**FIRST SET OF DISCOVERY REQUESTS
DIRECTED TO COMPLAINANT**

Filed on behalf of Respondent
Duquesne Light Company

Counsel of Record for this Party:

Paul Shane Miller, Esquire
PA I.D. No. 319174
smiller@tuckerlaw.com

Jeremy V. Farrell, Esquire
PA I.D. No. 316258
jfarrell@tuckerlaw.com

1500 One PPG Place
Pittsburgh, PA 15222
(412) 566-1212
Counsel for Respondent

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MIRANDA GRACE EDWARDS,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: C-2018-3002741
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

FIRST SET OF DISCOVERY REQUESTS DIRECTED TO COMPLAINANT

Respondent Duquesne Light Company ("Duquesne Light"), by and through its undersigned counsel, Tucker Arensberg, P.C., serves the following First Set of Discovery Requests Directed to Complainant pursuant to 52 Pa. Code §§ 5.341 and 5.349. In accordance with 52 Pa. Code §§ 5.342 and 5.349(d), Complainant Miranda Grace Edwards ("Complainant") must respond to each discovery request within 20 days after being served with these discovery requests. Complainant's responses must be verified in accordance with 52 Pa. Code § 1.36. Duquesne Light reserves the right to serve additional discovery requests.

DEFINITIONS

- A. The terms "You" and "Your" shall mean Complainant Miranda Grace Edwards and any individual acting on her behalf.
- B. The term "Formal Complaint" shall mean the Formal Complaint You filed against Duquesne Light with the Pennsylvania Public Utility Commission at Docket No. C-2018-3002741.
- C. The term "Document" shall mean any written, typed, printed, graphic, or recorded material that is currently in Your possession, custody, or control or that was formerly in Your possession, custody, or control. A Document is in Your "control" if You have ownership, possession, or custody of the Document or if You have the right to secure the Document or a

copy from any person or entity that has possession of it. The term "Document" includes, but is not limited to, electronic mail or email, text messages, social media postings, comments, and messages, medical records, articles, studies, word processed documents, digital presentations, facsimiles, instant messages, calendars, diaries, appointment books, agendas, journals, drafts, voicemail messages, post cards, post-it notes, reports, logs, message slips, invoices, checks, paystubs, letters, memoranda, agreements, contracts, tax returns, bank statements, spreadsheets, video recordings, audio recordings, computer programs, printouts, and all other written, graphic, or electronic materials of any nature whatsoever.

D. The term "Property" shall mean Your residence at 3835 Acorn Street, Pittsburgh, PA 15207.

E. The term "Smart Meter" shall mean the digital electric meter that Duquesne Light is seeking to install at the Property pursuant to Pennsylvania Act 129 of 2008.

INSTRUCTIONS

A. You must provide all information that is available to You. This includes not only Your personal knowledge but also all information that is reasonable available to You.

B. You are requested to produce all responsive Documents that are in Your possession, custody, or control. All Documents must be produced in the same order that they are normally maintained. For each Document, identify which specific discovery request it responds to.

C. If You object to any discovery request, You must explain the reason(s) for Your objection.

D. If You do not have any Documents in Your possession, custody, or control that are responsive to a discovery request, You must say so.

E. In responding to these discovery requests, include all Documents that were obtained by You and anyone acting on Your behalf. If You state that any Document(s) are not

within Your possession, custody, or control, describe what effort You made to locate each such Document.

F. If You state that a Document is not under Your control, identify who has control of the Document and state the Document's location.

G. You must produce each Document in its entirety even if only part of the Document is responsive to the document request.

H. These discovery requests are continuing in nature. This means that if You receive or become aware of information that is responsive to any discovery request after You have served Your original answers, You must promptly supplement Your answer and provide that information.

DISCOVERY REQUESTS

1. State all facts that support Your claim that Duquesne Light's installation of a Smart Meter at the Property will negatively affect Your health.

ANSWER:

2. Produce all Documents, including but not limited to hospital and/or medical records and studies, that relate to Your answer to Discovery Request No. 1.

ANSWER:

3. State all facts that support Your claim that Duquesne Light's installation of a Smart Meter at the Property will infringe upon Your privacy and/or violate Your rights under the Fourth Amendment to the United States Constitution.

ANSWER:

4. Produce all Documents that relate to Your answer to Discovery Request No. 3.

ANSWER:

5. State all facts that support Your claim that Duquesne Light's installation of a Smart Meter at the Property poses a potential fire hazard.

ANSWER:

6. Produce all Documents that relate to Your answer to Discovery Request No. 5.

ANSWER:

7. To the extent not previously requested or produced, produce all Documents that You intend to offer into evidence at any hearing in this matter.

ANSWER:

8. State the full name, address, and telephone number of each person who You expect to call to testify at any hearing of this matter.

ANSWER:

9. State the full name, address, and telephone number of each person who You expect to call to testify as an expert witness at any hearing of this matter and, for each expert witness, state:

- a. The subject matter on which the expert is expected to testify;
- b. The substance of the facts and opinions to which the expert is expected to testify;
and
- c. A summary of the grounds for each expert opinion.

ANSWER:

10. Produce the report of any expert You intend to call to testify on Your behalf at trial.

ANSWER:

11. Produce the curriculum vitae of any expert that You intend to call to testify on Your behalf at trial.

ANSWER:

12. 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:

13. Produce a copy of Your current resume and/or curriculum vitae.

ANSWER:

14. Have You ever performed work or been employed in the scientific or medical fields?

ANSWER:

15. 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:

16. Identify the type (with make and model) of all devices, appliances, and equipment used in Your home or by You in Your daily life that produce radio frequency or low frequency fields, including, but not limited to, cell phones, microwave ovens, wireless internet, and WI-FI routers.

ANSWER:

17. For each cell phone identified in response to the preceding request, produce the last six months of bills or other usage records for the phone with sufficient detail to show Your actual usage for that period.

ANSWER:

18. Produce all Documents, including, but not limited to, user manuals and instructional materials, relating to each device identified in response to Discovery Request No.

16.

ANSWER:

19. Do You claim that there has been a fire(s) caused by an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter installed by Duquesne Light or its contractors?

If so, for each such fire, state:

- a. The date of the fire;
- b. The address of the location where the fire happened; and
- c. All facts that support Your contention or belief that the fire was caused by an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter installed by Duquesne Light or its contractors.

ANSWER:

20. Produce all Documents that relate to Your response to the preceding request.

ANSWER:

21. Do You claim there has been a privacy, data, or security breach to Duquesne Light's customers caused by an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter? If so, for each such breach, state:

- a. The date of each breach;
- b. The nature of information breached; and
- c. All facts that support Your contention or belief that the breach was caused by an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

22. Produce all Documents that relate to Your response to the preceding request.

ANSWER:

23. 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 or Your Formal Complaint.

ANSWER:

24. Have You ever performed any job responsibilities or engaged in a course of study specifically relating to radio frequency or low frequency radiation? If so, describe each job responsibility and/or course of study in detail.

ANSWER:

25. Produce all Documents that relate to Your response to the preceding request.

ANSWER:

26. Are You a certified electrician? If so, state the date of certification.

ANSWER:

27. Identify all medical conditions that make You vulnerable to, or that would be aggravated by, proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

28. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating that You suffer from the medical condition(s) identified in Your response to Discovery Request No. 27.

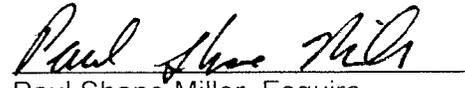
ANSWER:

29. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating the relationship between the medical condition(s) identified in Your response to Discovery Request No. 27 and Your proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

Respectfully submitted,

TUCKER ARENSBERG, P.C.

A handwritten signature in black ink, reading "Paul Shane Miller", written over a horizontal line.

Paul Shane Miller, Esquire

PA I.D. No. 319174

Jeremy V. Farrell, Esquire

PA I.D. No. 316258

1500 One PPG Place

Pittsburgh, PA 15222

(412) 566-1212

Counsel for Respondent,
Duquesne Light Company

3835 Acorn Street
Pittsburgh, PA 15207

November 30, 2018

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

Re: Miranda Grace Edwards v. Duquesne Light Company
Docket No. C-2018-3002741

Dear Secretary Chiavetta:

Attached please find the Complainant's (my) responses to Duquesne Light Company's First Set of Discovery Requests. It has been submitted in accordance with the specified deadline of November 30, 2018.

A copy of this document has been served upon the Respondent's Counsel, Shane Miller, Esq., in accordance with Commission regulations.

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

Sincerely,



M. Grace Edwards
Complainant
mse.a.mdew@gmail.com

Attachment

Cc: Shane Miller, Esquire, and Jeremy V Farrell, Esquire, Counsel for Duquesne Light Company (via email) (with attachment)



3835 Acorn Street
Pittsburgh, PA 15207

November 30, 2018

Shane Miller, Esquire
1500 One PPG Place
Pittsburgh, PA 15222

Re: Miranda Grace Edwards v. Duquesne Light Company
Docket No. C-2018-3002741

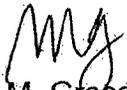
Dear Mr. Miller:

Attached please find the Complainant's (my) responses to your First Set of Discovery Requests. It has been submitted in accordance with the specified deadline of November 30, 2018.

A copy of this document has been filed with the Pennsylvania Public Utilities Commission.

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

Sincerely,



M. Grace Edwards
Complainant
msea.mdew@gmail.com

Attachment

Cc: Jeremy V Farrell, Esquire, Counsel for Duquesne Light Company (via email) (with attachment)

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MIRANDA GRACE EDWARDS,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No. C-2018-3002741

Responses to Respondent's

FIRST SET OF DISCOVERY REQUESTS

Filed by Miranda Grace Edwards

msea.mdew@gmail.com
3835 Acorn Street
Pittsburgh, PA 15207

COMPLAINANT'S RESPONSES TO RESPONDENT'S FIRST SET OF DISCOVERY REQUESTS

TO: RESPONDENT'S GENERAL COUNSEL, SHANE MILLER, ESQUIRE; AND JEREMY V FARRELL, ESQUIRE

THESE PAGES CONSTITUTE THE FILING OF MY WRITTEN RESPONSE TO THE FIRST SET OF DISCOVERY REQUESTS SERVED ON ME BY RESPONDENT DUQUESNE LIGHT COMPANY. THESE HAVE BEEN SUBMITTED TO YOU PER THE SPECIFIED DEADLINE OF NOVEMBER 30, 2018.



Miranda Grace Edwards

November 30, 2018

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MIRANDA GRACE EDWARDS,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No. C-2018-3002741

RESPONSES TO RESPONDENT'S FIRST SET OF DISCOVERY REQUESTS

AND NOW comes Complainant Miranda Grace Edwards ("I") and hereby files this, my Responses to Respondent's First Set of Discovery Requests.

General objections: I object to each and all of the Respondent's Discovery Requests insofar as this First Set of Discovery Requests was filed before I had a chance to respond to the Respondent's Preliminary Objections or Answer and New Matter. Some of the information the Respondent requests is contained in my responses to their Preliminary Objections and Answer and New Matter. Other information requested is no longer relevant now that the Judge has ruled. Still, I will address these points again herein as they are raised.

1. State all facts that support Your claim that Duquesne Light's installation of a Smart Meter at the Property will negatively affect Your health.

ANSWER:

This is premature; I am in the process of gathering information and facts that support my claim. Duquesne Light Company's (DLC's) answers to my interrogatories will help inform additional facts that support my claim. The following list includes a few of the reasons I believe the installation of a smart meter on my home will negatively affect my health.

- Smart meters—and the smart grids these are part of—have been demonstrated in a multitude of independent reputable analyses to be a credible threat of harm. EDCs, including DLC, often claim it has been proven that there are no health effects from smart meters. These claims have been refuted by many experts—including the World Health Organization, which classified radiofrequency electromagnetic fields as possibly carcinogenic to humans (Group 2B) (<http://www.who.int/en/news-room/fact-sheets/detail/electromagnetic-fields-and-public-health-mobile-phones>). Lead and DDT are also classified as Group 2B. In May 2011, the World Health Organization (WHO), the International Agency for Research on Cancer, classified radiofrequency

EMF sent and received by smart meters as a class 2B carcinogen, meaning it is possibly carcinogenic to humans.

- Lloyd's of London has an exclusion clause specifically for electromagnetic fields (<http://andrewgeller.me/doc/Lloyds-Insurance-Policy-EMF-Exclusion-150207.pdf>), page 7, subsection 32 under "General Insurance Exclusions." If there is absolutely no risk, no such exclusion would be necessary.

2. Produce all Documents, including but not limited to hospital and/or medical records or studies, that relate to Your answer to Discovery Request No. 1.

ANSWER:

This is premature to the extent that, as stated in Discovery Request No. 1, I am in the process of gathering information and facts that support my claim.

In addition, requesting that I produce "all" Documents that would support my claim is overly burdensome to the point of impossibility. A staggering number of studies have been conducted on the health effects of EMF, many of which are publicly available and can be accessed by DLC without my intervention.

Furthermore, any request to produce any of my personal medical information—or that of anyone who spends time in my home—is unnecessarily intrusive. Neither I nor my close friends and family members should be forced to suffer health effects from spending time at my home.

3. State all facts that support Your claim that Duquesne Light's installation of a Smart Meter at the Property will infringe upon Your privacy and/or violate Your rights under the Fourth Amendment to the United States Constitution.

ANSWER:

Request No. 3 is irrelevant to the extent that it specifies the Fourth Amendment to the United States Constitution, now that the Judge has ruled that the Pennsylvania Public Utilities Commission (PA PUC) cannot adjudicate claims related to the United States Constitution. However, the fact remains that DLC's installation of a smart meter on my Property would infringe upon my privacy—and this violation is no less grievous without specific reference to the Fourth Amendment of the United States Constitution. The following list includes a few of the reasons I believe the forced installation of a smart meter on my home would violate my privacy.

- Smart meters monitor household activity and occupancy. They individually identify electrical devices inside the home and record when they are operated.
- Smart meters transmit wireless signals that may be intercepted by unauthorized and unknown parties.

- Data about occupants' daily habits and activities is collected, recorded, and stored in permanent databases that can be accessed by parties not authorized or invited to know and share that private data by those whose activities were recorded.
- DLC and the PA PUC have not adequately disclosed the particular recording and transmission capabilities of the SK9MIA7 OpenWay (which, according to my most recent understanding, is the smart meter DLC wishes to install at my Property), or the extent of the data that will be recorded, stored, and shared—or the purposes for which the data will and will not be used.

4. Produce all Documents that relate to Your answer to Discovery Request No. 3.

ANSWER:

This is premature; as stated in Discovery Request No. 1, I am in the process of gathering information and facts that support my claim.

In addition, requesting that I produce “all” Documents that would support my claim is overly burdensome to the point of impossibility.

5. State all facts that support Your claim that Duquesne Light's installation of a Smart Meter at the Property poses a potential fire hazard.

ANSWER:

This is premature; as stated in Discovery Request No. 1, I am in the process of gathering information and facts that support my claim. Duquesne Light Company's (DLC's) answers to my interrogatories will help inform additional facts that support my claim. The following list includes a few of the reasons I believe the installation of a smart meter on my home poses a fire hazard, increasing the risk of damage to my Property and jeopardizing my physical safety.

- Thousands of fires involving burned and/or exploded smart meters have been documented in PA, CA, TX, FL, NV, IL, MI, and across Canada. These fires have caused property damage and fatalities.
- In our own state of Pennsylvania, for example, installation of Sensus smart meters was halted in 2012 after a spate of “overheating”-related house fires.

6. Produce all Documents that relate to Your answer to Discovery Request No. 5.

ANSWER:

This is premature; as stated in Discovery Request No. 1, I am in the process of gathering information and facts that support my claim.

In addition, requesting that I produce “all” Documents that would support my claim is

overly burdensome to the point of impossibility. Abundant evidence that smart meters have caused house fires exists, including court records and news stories that are publicly available and can be accessed by DLC without my intervention.

7. To the extent not previously requested or produced, produce all Documents that You intend to offer into evidence at any hearing in this matter.

ANSWER:

See answer to Discovery Request No. 4.

8. State the full name, address, and telephone number of each person who You expect to call to testify at any hearing of this matter.

ANSWER:

This is premature; as stated in Discovery Request No. 1, I am in the process of gathering information and facts that support my claim. I am also in the process of contacting people who might be able to testify at any hearing of this matter.

9. State the full name, address, and telephone number of each person who You expect to call to testify as an expert witness at any hearing of this matter and, for each expert witness, state:
 - a. The subject matter on which the expert is expected to testify;
 - b. The substance of the facts and opinions to which the expert is expected to testify; and
 - c. A summary of the grounds for each expert opinion.

ANSWER:

See answer to Discovery Request No. 8.

10. Produce the report of any expert You intend to call to testify on Your behalf at trial.

ANSWER:

See answer to Discovery Request No. 8.

11. Produce the curriculum vitae of any expert that You intend to call to testify on Your behalf at trial.

ANSWER:

See answer to Discovery Request No. 8.

12. 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:

This is an irrelevant and unnecessarily personal/intrusive request. My complaint would not be more or less valid based on my age and educational background. I am not claiming to have any education or expertise that relates directly to this matter.

13. Produce a copy of Your current resume and/or curriculum vitae.

ANSWER:

See answer to Discovery Request No. 12.

14. Have You ever performed work or been employed in the scientific or medical fields?

ANSWER:

No, I have not performed work or been employed in the scientific or medical fields in a capacity that would confer expertise directly related to this matter. This is irrelevant to my formal complaint; I am not offering myself as an expert in either of these fields.

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

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

ANSWER:

Not applicable.

16. Identify the type (with make and model) of all devices, appliances, and equipment used in Your home or by You in Your daily life that produce radio frequency or low frequency fields, including, but not limited to, cell phones, microwave ovens, wireless internet, and Wi-Fi routers.

ANSWER:

Discovery Request No. 16 is irrelevant because of crucial differences between any “devices, appliances, and equipment used by [me] in [my] home or in [my] daily life” and the Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

Furthermore, providing information on these products of which I have ownership and control would open the door to even more intrusive lines of inquiry, such as Discovery Request No. 17.

17. For each cell phone identified in response to the preceding request, produce the last six months of bills or other usage records for the phone with sufficient detail to show Your actual usage for that period.

ANSWER:

Discovery Request No. 17 is irrelevant because of crucial differences between products owned and controlled by the user (such as cell phones) and smart meters noted in my response to Discovery Request No. 16.

It is also intrusive, asking me to provide exactly the type of detailed information I do not want DLC and unknown parties collecting and storing about my daily activities.

18. Produce all documents, including, but not limited to, user manuals and instructional materials, relating to each device identified in response to Discovery Request No. 16.

ANSWER:

See answer to Discovery Request No. 16.

19. Do You claim that there has been a fire(s) caused by an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter installed by Duquesne Light or its contractors? If so, for each such fire, state:

- The date of the fire;
- The address of the location where the fire happened; and
- All facts that support Your contention or belief that the fire was caused by an Itron SK9AMI7 OpenWay CENTRON Singlephase Smart Meter installed by Duquesne Light or its contractors.

ANSWER:

This is premature; I am in the process of gathering information and facts that support my claim, including the information specified in Discovery Request No. 19. Duquesne

Light Company's (DLC's) answers to my interrogatories will help inform additional facts that support my claim.

20. Produce all Documents that relate to Your response to the preceding request.

ANSWER:

See answer to Discovery Request No. 19.

21. Do You claim there has been a privacy, data, or security breach to Duquesne Light's customers caused by an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter? If so, for each such breach, state:

- The date of each breach;
- The nature of information breached; and
- All facts that support Your contention or belief that the breach was caused by an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

Duquesne Light is in possession of all this material, which will be requested by me in interrogatories.

22. Produce all Documents that relate to Your response to the preceding request.

ANSWER:

See answer to Discovery Request No. 21.

23. 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 or Your Formal Complaint.

ANSWER:

This is premature; I am in the process of gathering information and facts that support my claim, including any materials that relate to the subject of radio frequency. Duquesne Light Company's (DLC's) answers to my interrogatories will help inform additional facts that support my claim.

24. Have You ever performed any job responsibilities or engaged in a course of study specifically relating to radio frequency or low frequency radiation? If so, describe each job responsibility and/or course of study in detail.

ANSWER:

No, I have never performed any job responsibilities or engaged in a course of study specifically relating to radio frequency or low-frequency radiation. This is irrelevant to my formal complaint; I am not offering myself as an expert in radio frequency or low-frequency radiation.

25. Produce all Documents that relate to Your response to the preceding request.

ANSWER:

Not applicable; see answer to Discovery Request No. 24.

26. Are You a certified electrician? If so, state the date of certification.

ANSWER:

No, I am not a certified electrician.

27. Identify all medical conditions that make You vulnerable to, or that would be aggravated by, proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

See answer to Discovery Request No. 2.

28. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating that You suffer from the medical condition(s) identified in Your response to Discovery Request No. 27.

ANSWER:

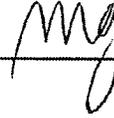
See answer to Discovery Request No. 2.

29. Produce all Documents, including but not limited to hospital and/or medical records and studies, demonstrating the relationship between the medical condition(s) identified in Your response to Discovery Request No. 27 and Your proximity to an Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter.

ANSWER:

See answer to Discovery Request No. 2.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MGE', positioned above a horizontal line.

Miranda Grace Edwards

November 30, 2018

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MIRANDA GRACE EDWARDS,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No. C-2018-3002741

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participant listed below in accordance with the requirements of 52 PA. Code § 1.54 (relating to service by a participant):

Shane Miller, Esquire
Jeremy V Farrell, Esquire
1500 One PPG Place
Pittsburgh, PA 15222
Fax: 412-594-5619

Counsel for Respondent, Duquesne Light Company

Dated this 30th day of November, 2018



Miranda Grace Edwards
msea.mdew@gmail.com
3835 Acorn Street
Pittsburgh, PA 15207

