



17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601  
717-731-1970 Main  
717-731-1985 Main Fax  
www.postschell.com

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Devin Ryan

dryan@postschell.com  
717-612-6052 Direct  
717-731-1981 Direct Fax  
File #: 167945

January 18, 2019

***VIA ELECTRONIC FILING***

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Willard and Elsbeth Sunstein v. PPL Electric Utilities Corporation**  
**Docket No. C-2018-3000078**

Dear Secretary Chiavetta:

Enclosed for filing is the Motion in Limine of PPL Electric Utilities Corporation to Prohibit the Complainants from Presenting Any Expert Witnesses, Medical Records, and Health or Safety-Related Exhibits in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,

Devin Ryan

DTR/jl  
Enclosures

cc: Honorable Elizabeth Barnes  
Certificate of Service

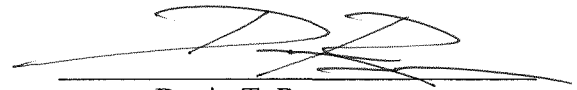
**CERTIFICATE OF SERVICE**

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

**VIA E-MAIL & FIRST CLASS MAIL**

Willard & Elsbeth Sunstein  
860 Cupola Road  
Honeybrook, PA 19344  
E-mail: [willardsunstein@fast.net](mailto:willardsunstein@fast.net)

Date: January 18, 2019



Devin T. Ryan

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Willard and Elsbeth Sunstein,	:	
	:	
Complainants,	:	
	:	
v.	:	Docket No. C-2018-3000078
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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**NOTICE TO PLEAD**

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YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.103(c), YOU MAY FILE A REPLY TO THE ENCLOSED MOTION WITHIN TWENTY (20) DAYS AFTER THE DATE OF SERVICE. YOUR REPLY SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR REPLY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

Kimberly A. Klock (ID # 89716)  
Michael J. Shafer (ID # 205681)  
PPL Services Corporation  
Two North Ninth Street  
Allentown, PA 18101  
Phone: 610-774-2599  
Fax: 610-774-4102  
E-mail: [kklock@pplweb.com](mailto:kklock@pplweb.com)  
[mjshafer@pplweb.com](mailto:mjshafer@pplweb.com)



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Devin T. Ryan (ID # 316602)  
Garrett P. Lent (ID # 321566)  
Post & Schell, P.C.  
17 North Second Street, 12th Floor  
Harrisburg, PA 17101-1601  
Phone: 717-731-1970  
Fax: 717-731-1985  
E-mail: [dryan@postschell.com](mailto:dryan@postschell.com)  
[glent@postschell.com](mailto:glent@postschell.com)

Curtis S. Renner (ID # 326488)  
Watson & Renner  
1901 Pennsylvania Avenue, NW  
Suite 1005 - ENS  
Washington, DC 20006  
Phone: 202-737-6302  
E-mail: [crenner@w-r.com](mailto:crenner@w-r.com)

Date: January 18, 2019

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Willard and Elsbeth Sunstein,	:	
	:	
Complainants,	:	
	:	
v.	:	Docket No. C-2018-3000078
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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**MOTION IN LIMINE OF  
PPL ELECTRIC UTILITIES CORPORATION TO  
PROHIBIT THE COMPLAINANTS FROM PRESENTING  
ANY EXPERT WITNESSES, MEDICAL RECORDS, AND  
HEALTH OR SAFETY-RELATED EXHIBITS**

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**TO ADMINISTRATIVE LAW JUDGE ELIZABETH H. BARNES:**

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby files this Motion in Limine pursuant to the Pennsylvania Public Utility Commission’s (“Commission”) regulations at 52 Pa. Code § 5.103 and requests that Administrative Law Judge Elizabeth H. Barnes (the “ALJ”) prohibit Willard and Elsbeth Sunstein (“Complainants”) from presenting any expert witnesses, medical records, and health or safety-related exhibits because the Complainants have repeatedly failed to meet the deadlines for identifying their expert witnesses, to provide their written expert testimony and exhibits, and to respond to discovery requests for this information. The Complainants have repeatedly claimed that they intend to present several expert witnesses, they have a variety of health conditions, they are receiving medical treatments, and their health will be adversely affected by installation of an automated metering infrastructure (“AMI”) meter. However, they have never identified those expert witnesses, provided any

written expert testimony or exhibits, or provided any of their hearing exhibits and medical records in response to PPL Electric's discovery requests. Due to the Complainants' actions, or lack thereof, PPL Electric would be severely prejudiced and denied due process if the Complainants were permitted to present expert witness testimony, medical records, or health or safety-related exhibits for the first time at the evidentiary hearings or in the few days remaining before the hearing. Therefore, PPL Electric respectfully requests that the instant Motion in Limine be granted and that the Complainants be prohibited from presenting any expert witnesses or introducing into evidence any exhibits related to alleged health effects or safety risks from AMI meters.

In support thereof, the Company states as follows:

**I. BACKGROUND**

1. PPL Electric is a public utility that provides electric distribution and provider of last resort services in Pennsylvania subject to the regulatory jurisdiction of the Commission. PPL Electric furnishes electric distribution, transmission, and provider of last resort electric supply services to approximately 1.4 million customers throughout its certificated service territory, which includes all or portions of 29 counties and encompasses approximately 10,000 square miles in eastern and central Pennsylvania.

2. On February 26, 2018, PPL Electric was served with the Formal Complaint filed by the Complainants.

3. On March 19, 2018, PPL Electric filed its Answer to the Complaint.

4. On April 5, 2018, a notice was issued scheduling a telephonic evidentiary hearing for July 10, 2018.

5. Also on April 5, 2018, the ALJ issued the Prehearing Order, which, among other things, directed the Complainants to serve their written expert testimony and exhibits on or before May 11, 2018.

6. On April 6, 2018, the ALJ issued a Protective Order, governing the treatment and use of confidential information in this proceeding.

7. On April 23, 2018, PPL Electric filed a Motion for Admission *Pro Hac Vice*, which requested that Curtis S. Renner, Esquire, be admitted *pro hac vice* as co-counsel on behalf of the Company.

8. On April 24, 2018, the ALJ held an informal telephonic conference, which was attended by Mr. Sunstein, Mr. Ryan, and Mr. Renner.

9. Also on April 24, 2018, the ALJ issued an Interim Order granting the Company's Motion for Admission *Pro Hac Vice*.

10. On May 11, 2018, the Complainants filed a combined Reply to the Company's Motion for Admission *Pro Hac Vice* and Motion to Rescind and Quash the ALJ's Interim Order Granting the Motion for Admission *Pro Hac Vice*.

11. On May 23, 2018, PPL Electric filed an Answer to the Complainants' Motion to Rescind and Quash the ALJ's Interim Order Granting the Motion for Admission *Pro Hac Vice*.

12. On June 20, 2018, the ALJ issued a Second Interim Order, which, among other things, denied the Complainants' Motion to Rescind and Quash the ALJ's Interim Order Granting the Motion for Admission *Pro Hac Vice* and directed the parties to file prehearing memoranda on or before July 6, 2018.

13. Also on June 20, 2018, a notice was issued converting the telephonic evidentiary hearing scheduled for July 10, 2018, into a telephonic prehearing conference.

14. On July 6, 2018, PPL Electric filed its prehearing memo in compliance with the Second Interim Order.

15. On July 10, 2018, the telephonic prehearing conference was held as scheduled.

16. On August 8, 2018, the ALJ issued a Third Interim Order, which, among other things, memorialized the procedural schedule and other issues addressed at the prehearing conference, including that the Complainant's written expert testimony and exhibits would be due by October 31, 2018, and that motions or objections to written testimony must be presented in writing by January 18, 2019.

17. On August 9, 2018, a notice was issued scheduling in-person evidentiary hearings for January 24 and 25, 2019, consistent with the procedural schedule established by the Third Interim Order.

18. On August 30, 2018, the Complainants filed a Motion for Extension and to Significantly Adjust the Procedural Schedule set forth in the Third Interim Order.

19. On August 31, 2018, the ALJ sent email correspondence to the parties stating that the Complainants could have a one-week extension to file an Amended Complaint, until September 7, 2018, but the Complainants' written expert testimony and exhibits would remain due by October 31, 2018.

20. On October 18, 2018, PPL Electric filed a Notice of Withdrawal of Appearance for Amy Hirakis, Esquire.

21. On November 2, 2018, PPL Electric filed a Notice of Entry of Appearance for Michael Shafer, Esquire.

22. On November 13, 2018, PPL Electric served its first set of interrogatories and requests for production of documents.

23. On November 20, 2018, the Company filed a letter noting that the Complainants had failed to serve their written expert testimony and exhibits and, therefore, requested that the second day of hearings be canceled.

24. On December 5, 2018, PPL Electric timely served proprietary and non-proprietary versions of its expert witnesses' written testimony and exhibits.

25. On December 14, 2018, PPL Electric filed a letter noting that Curtis Renner, Esquire, had been permanently admitted to the Pennsylvania Bar, so his admission *pro hac vice* was no longer necessary.

26. On January 7, 2019, the Complainants sent the ALJ and PPL Electric an email stating, among other things, that they intend to present seven expert witnesses, that they objected to cancelling the second day of hearings, and that they wanted the hearing dates to be extended at least one year.

27. Later on January 7, 2019, the ALJ sent an email to the parties stating that PPL Electric's request was denied and that the hearings would be held as scheduled on January 24 and 25, 2019.

28. To date, the Complainants have yet to identify their expert witnesses or provide any written expert testimony and exhibits, including medical records.

## **II. MOTION IN LIMINE**

29. PPL Electric respectfully requests that the ALJ grant the instant Motion in Limine and prohibit the Complainants from presenting any expert witnesses, medical records, and health or safety-related exhibits because the Complainants have repeatedly failed to meet the deadlines for identifying their expert witnesses, to provide their written expert testimony and exhibits, and to respond to discovery requests for this information.

30. The Formal Complaint raises several complex scientific and medical issues related to the planned installation of PPL Electric's new AMI meter on the Complainants' premises, including alleged adverse safety and health effects of the new AMI meter.

31. Since April 5, 2018, when the Prehearing Order was issued, the Complainants have been directed to serve any written expert testimony and exhibits on PPL Electric in advance of the evidentiary hearings.

32. The deadline was originally May 11, 2018, per the Prehearing Order, and was subsequently changed to October 31, 2018, per the Third Interim Order.

33. Therefore, the Complainants have had ample notice and knowledge that if they intended to present any expert witnesses at the evidentiary hearings, they would need to serve the expert witnesses' testimony and exhibits by the established deadlines.

34. In their email correspondence dated January 7, 2019, the Complainants reiterated that they have retained seven expert witnesses (and perhaps more) to testify on their behalf.<sup>1</sup>

35. However, the Complainants failed to serve any written expert testimony and exhibits by October 31, 2018, in compliance with the Third Interim Order.

36. In fact, the Complainants have not served any written expert testimony and exhibits to date, nor have they served any exhibits that they intend to offer through their own personal testimony.

37. In contrast, PPL Electric served its expert witnesses' written testimony and exhibits, as well as its lay witnesses' exhibits, by the December 5, 2018 deadline.

38. The Company's expert testimony and exhibits address the complex scientific and medical issues raised by the Formal Complaint.

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<sup>1</sup> A true and correct copy of this correspondence is attached hereto as **Appendix A**.

39. In addition, PPL Electric served discovery on the Complainants on November 13, 2018.<sup>2</sup>

40. Therein, the Company requested, among other things, for the Complainants to: (1) provide copies of all exhibits they intend to present or utilize at the hearings; (2) identify any expert witnesses they intended to present; (3) provide information about each expert's qualifications and background; and (4) describe the subject matter of each expert's testimony, copies of the experts' reports and exhibits.

41. As of the filing of the instant Motion, the Complainants have never provided any responses to PPL Electric's discovery.

42. Accordingly, PPL Electric currently has no confirmation as to the many expert witnesses that the Complainants claim they plan to present, nor does the Company know what, if any, exhibits the Complainant will try to introduce into the record.

43. To preserve due process and to avoid litigation by ambush, it is necessary to prohibit the Complainants from presenting any expert witnesses, medical records, and health or safety-related exhibits for the first time at the evidentiary hearings.

44. Indeed, if the Complainants were permitted to present any expert witnesses at the evidentiary hearings, PPL Electric would be without basic and critical information about the expert witnesses, their opinions and scientific theories, and the basis for their expert opinions. Likewise, PPL Electric would not have a full and fair opportunity to review any health or safety-related exhibits and investigate the claims made therein.

45. Therefore, under these circumstances, PPL Electric would be severely prejudiced in its ability to present evidence and testimony in rebuttal.

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<sup>2</sup> A true and correct copy of this discovery is attached hereto as **Appendix B**.

46. Furthermore, it would be fundamentally unfair to permit the Complainants to present any expert witnesses, medical records, or health or safety-related exhibits because the Complainants have advance copies of the Company's exhibits and its expert witnesses' testimony and exhibits.

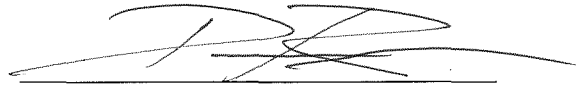
47. To prevent this undue prejudice and denial of due process, the Complainants should be prohibited from presenting any testimony and exhibits from these unknown expert witnesses, from introducing any medical records, and from presenting any health or safety-related exhibits for the first time at the evidentiary hearings.

48. For these reasons, PPL Electric respectfully requests that the ALJ grant the instant Motion in Limine and prohibit: (1) any expert witnesses from testifying on behalf of the Complainants at the evidentiary hearings; and (2) the Complainants from introducing into evidence any exhibits related to medical conditions and alleged health effects or safety risks from AMI meters.

**III. CONCLUSION**

49. WHEREFORE, PPL Electric Utilities Corporation respectfully requests that Administrative Law Judge Elizabeth H. Barnes grant this Motion in Limine and (1) prohibit any expert witnesses from testifying on behalf of Complainants Willard and Elsbeth Sunstein and (2) prohibit Complainants from introducing into evidence any exhibits related to medical conditions and alleged health effects or safety risks from AMI meters, because Complainants have failed to identify their expert witnesses, to respond to discovery, and to provide their written expert testimony and exhibits, as required by the Third Interim Order.

Respectfully submitted,



Kimberly A. Klock (ID # 89716)  
Michael J. Shafer (ID # 205681)  
PPL Services Corporation  
Two North Ninth Street  
Allentown, PA 18101  
Phone: 610-774-2599  
Fax: 610-774-4102  
E-mail: [kklock@pplweb.com](mailto:kklock@pplweb.com)  
[mjshafer@pplweb.com](mailto:mjshafer@pplweb.com)

Devin T. Ryan (ID # 316602)  
Garrett P. Lent (ID # 321566)  
Post & Schell, P.C.  
17 North Second Street, 12th Floor  
Harrisburg, PA 17101-1601  
Phone: 717-731-1970  
Fax: 717-731-1985  
E-mail: [dryan@postschell.com](mailto:dryan@postschell.com)  
[glent@postschell.com](mailto:glent@postschell.com)

Curtis S. Renner (ID # 326488)  
Watson & Renner  
1901 Pennsylvania Avenue, NW  
Suite 1005 - ENS  
Washington, DC 20006  
Phone: 202-737-6302  
E-mail: [crenner@w-r.com](mailto:crenner@w-r.com)

Date: January 18, 2019

Attorneys for PPL Electric Utilities Corporation

# **APPENDIX “A”**

**From:** Will <willardsunstein@fast.net>  
**Sent:** Monday, January 07, 2019 12:18 AM  
**To:** Barnes, Elizabeth; Ryan, Devin; Michael J. Shafer (mjshafer@pplweb.com)  
**Subject:** Re: C-2018-3000078 Sunstein v PPL - PPL's Letter request to cancel second hearing date - January 25

**Categories:** PPL - Purple Category

Dear Elizabeth Barnes, Administrative Law Judge,

we thank you for communicating with us. However, we find what you communicate embedded with actions unfortunately very lacking in justice.

in this email we respond to yours with our peaceful perspectives for justice without rose colored glasses, and one straight forward question of deep import for you to answer. please answer our question below. Justice depends upon it.

you do not respond to any of our very real needs, you respond to the wishes of PPL to ramrod through their lies and distortions and omissions to our detriment.

It is most interesting, how Devin, attorney for PPL, as is typical for him, objected to fulfilling, as requested, our need to have the days for the hearing spread apart to enable us to recover a bit from the intense stress, *not just of the legal stage, but of emf and possibly other environmental factors* and also the considerable travel to and from the hearing, and also to consider how to work further with the unfolding legal proceedings. Devin's objection stemmed from the difficulty of the expense for PPL, for having his witnesses come on two days that were not consecutive. we and you, yourself, Elizabeth Barnes, long knew, that Devin is having PPL engage not just one lawyer in house, but himself and an associate and a clearly disreputable lawyer from the district that was cut out of Maryland swampland, and so clearly is not concerned about expenses to intimidate and destroy us, an elderly couple, man and wife, with health issues and with no legal background whatsoever... and so quite clearly expenses in our case are not an issue for multi-billion dollar ppl... who just passes on any and all expenses to us customers anyway. Devin's childish cry about expenses to justify denying our needs be met was clearly then lying sophistry, but you went along with him. And now Devin has created further proof that he was lying, because without our witnesses, and only his, he only wants one day for the hearing! So clearly, he could have had his witnesses come on only one day, and this could have been arranged, just as we will have need to arrange times for our witnesses too, should we be afforded the justice to have them in our case with ppl. if the time necessary for us to present our witnesses and their testimony be unjustly denied us in this case, we shall seek to present them and their testimony in a future case

or cases.

we will need a lot more than two days, should it become necessary for our case to go to a hearing. (this is not and will not be necessary as soon as PPL would decide to join hands with us towards an amicable solution. In addition to the earlier named expert witnesses we now have two more, another scientist from Europe, and an electrical engineer who is also a medical doctor who has deeply researched problems with emf. So we have now a total of 7 (seven) expert witnesses who have agreed to testify on our behalf. We have not had time to study the extensive testimony of PPL's "experts" nor time to write up questions to our expert witnesses for them to answer to submit their expert testimony. As we have the health and energy to do so, we shall do so. We also intend to and are sure we can procure agreement from more expert witnesses to testify on our behalf without charging us. we have not pursued acquiring them because we have not yet had time to work with the ones we have. we have witnessed such incredible bias against those like us by the utilities and the PA PUC that more expert witnesses will be necessary to get the necessary truth accepted to obtain justice.

we also need to study the law, we have not had the legal training of any of the lawyers PPL is using. And they have studied and practiced law so much they feel confident that one of them can practice law in PA without a license to do so. And they cover it up with lies and ex post facto legal manipulations... with misuse of nunc pro tunc, no form over substance, to achieve just that, form over substance against people who can't afford lawyers.

Because the PA PUC and the utilities have taken such a strong stance against justice, it is not a simple matter for us to procure justice.

Sadly, you have not been serving justice yet in our case, but have multiple instances of violations, such as forcing upon us a prehearing conference when we were not in a condition of health to participate properly. only under the duress of the situation you imposed upon us did we agree to the present schedule. ppl wanted to give us only a millimeter while they were taking miles, and so, in the stress of the unjustly imposed moment we agreed to getting the inch you offered us in arranging the scheduling.

we have not even yet been able to gain access to casemaker or nexus lexis or other legal resources that ppl lawyers have at their fingertips to threaten us. how shall we defend our rights without equal access to the law they wield against us?

As we have earlier written, and had hoped to further write about, but were hindered by the burdens of our present life and health situation, burdens significantly intensified by PPL, it is absolutely essential, shall justice be served, that our hearing be rescheduled. it is within your power to do so without even consulting the other party. we have seen this in the PA code. we cannot find that code with such short notice.. but we have stored it in our computer. surely you know it. if

you somehow would be ignorant of it, and wish us to provide it, we will gladly do so, but you can surely find it more quickly than we.

We have not yet had the resources of health, energy and time and legal knowledge to write further as we had indicated we would in our last filing.

We will do our best under the present health and life circumstances we have to cope with, to write further before the presently scheduled hearing date.

If you wish to serve justice, rather than exercise further actions biased against the law and justice for the purpose of supporting PPL's wishes and actions harming and threatening us, you will postpone the date of the hearing for at least a year, possibly considerably longer, for us to work within the limitations of our health to build our legal knowledge and case to meet those who have chosen and yet continue to be our adversary instead of joining hands with us to build the amicably repeatedly suggested solution that in no way harms PPL, costs them significantly less than their present hard-hearted course, and would cost us something we believe we can bear, something we have offered as a sign of good-will.

please remember that what we have originally asked for is less than what is already accorded to utility customers in Florida.

extending the hearing date will in no way be of detriment to PPL's justifiable interests. (of course if their interest includes the desire to harm and destroy us as much as possible, and we have evidence that is the case, it would harm that interest. but it in no way harms any just interests of PPL. )

extending the date will lead to further opportunity to come to a peaceful solution together after PPL sees the mountain of evidence we can provide with time. there is a good chance also that by extending the date, the progress and possible resolution of other cases, which may well by then have advanced to higher jurisdictions, will lead to resolution of this case too.

while we do not close our eyes to injustices done, we extend good will and understanding to each and all in the PA PUC and PPL, as fallen from true honor as they be, for we choose to continue to uphold our belief in individuals to mend their ways from morally ugly and repugnant behavior to the better. Unlike others involved in our case, we threaten no one, we harbor no malice towards anyone.

However, to the extent such harm and threatening behavior continues against us, we shall be forced to seek all moral and just and lawful and legal means we can acquire to remedy injustices against us, in all jurisdictions that may afford us protection of our rights.

May you find the moral strength, Elizabeth Barnes, to restore the honor your past actions have taken from your position and from now on exercise

wisely and justly the power entrusted you in your position. much life on earth, and your salvation depends upon it.

Please remember that attorney ryan claimed in his filing against the claim in our filing protesting pro hac vice for renner, that attorney renner was not council in a case for which renner was neither moved to be admitted pro hac vice nor was admitted pro hac vice, but the reputable, honorable, and innocent renner was merely handling papers like an extremely expensive office boy.

Our question to you, Elizabeth Barnes, in the position of ALJ for the PA PUC, if we provide you with documentation proving that ryan flat-out lied in this crucial point, documentation that renner was council in that case, will you overturn your interim order admitting renner and further give us time to document more of the crucial lies of ryan and ppl and their witnesses and time to get our witnesses and their evidence together so we can properly present our case against the pack of lawyers and storm of lies ppl is hurling at us?

yes or no?

if you answer yes, and act upon it accordingly when we provide the promised documentation, thank you very much in advance for your decision to mend your ways, and begin to help justice hold sway in this case.

if your decision would be no, we would then sadly note that your earlier decisions clearly had nothing to do with being too burdened to do the least bit of work to check out who has been telling the truth and who has been lying all along.

we pray for you and all, with no exceptions.

More moral strength is needed to change ones ways for the better than to keep them at the level they have attained. But like a little weed that sprouts between heavy sidewalk slabs can push them apart, seeding a little authentically honest decision to mend ways can sprout forth with great moral strength.

We wish you and all involved here to find real powerful moral strength for the New Year.

willard

On 04-Jan-19 09:56, Barnes, Elizabeth wrote:

> Counsel and Mr. and Mrs. Sunstein:

>

> I am in receipt of this letter request from PPL to cancel the second day  
> of hearings (currently scheduled for January 24 and 25, 2019) due to the  
> claim that Mr. and Mrs. Sunstein have not yet served any written expert  
> witness testimony or documents to PPL and the deadline of October 31,  
> 2018 has passed. I have not seen any objection to this request and will  
> be cancelling the second day of hearings (January 25) unless Mr. and

> Mrs. Sunstein object by Monday, January 7, 2019.

>

> Regards,

>

> Elizabeth Barnes

>

> Administrative Law Judge

>

# APPENDIX “B”



17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601  
717-731-1970 Main  
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www.postschell.com

---

Devin Ryan

dryan@postschell.com  
717-612-6052 Direct  
717-731-1981 Direct Fax

November 13, 2018

***VIA E-MAIL & REGULAR MAIL***

Willard & Elsbeth Sunstein  
860 Cupola Road  
Honeybrook, PA 19344

**Re: Willard and Elsbeth Sunstein v. PPL Electric Utilities Corporation**  
**Docket No. C-2018-3000078**

Dear Mr. & Mrs. Sunstein:

Enclosed are the Interrogatories and Requests for Production of Documents Propounded by PPL Electric Utilities Corporation on Willard and Elsbeth Sunstein – Set I, in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Please provide answers to the enclosed discovery within twenty (20) days of the date of service pursuant to 52 Pa. Code § 5.342.

Sincerely,

Devin Ryan

DTR/jl  
Enclosures

cc: Rosemary Chiavetta, Secretary (*Letter & Certificate of Service Only*)  
Certificate of Service

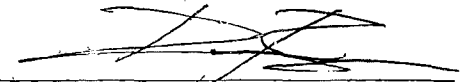
**CERTIFICATE OF SERVICE**

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

**VIA E-MAIL & FIRST CLASS MAIL**

Willard & Elsbeth Sunstein  
860 Cupola Road  
Honeybrook, PA 19344  
E-mail: [willardsunstein@fast.net](mailto:willardsunstein@fast.net)

Date: November 13, 2018



Devin T. Ryan

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Willard and Elsbeth Sunstein,	:	
	:	
Complainant	:	
	:	
v.	:	Docket No. C-2018-3000078
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent	:	

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**INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS PROPOUNDED BY  
PPL ELECTRIC UTILITIES CORPORATION ON  
WILLARD AND ELSBETH SUNSTEIN – SET I**

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Pursuant to 66 Pa.C.S. § 333 and 52 Pa. Code §§ 5.341 *et seq.*, PPL Electric Utilities Corporation (“PPL Electric”) propounds the following Interrogatories and Requests for Production of Documents (hereinafter, “discovery requests”) on Willard and Elsbeth Sunstein (“Complainants”) – Set I.

**INSTRUCTIONS AND DEFINITIONS**

1. The “Responding Party,” “you,” or “your” means the party to which these discovery requests are propounded and/or all attorneys, agents, affiliates, subsidiaries, employees, consultants, members, constituents, and representatives acting on behalf of the Responding Party.
2. “Commission” means the Pennsylvania Public Utility Commission.
3. To “identify” a natural person means to state that person’s full name, title or position, employer, last known address, and last known telephone number.

4. To “identify” a business entity means to state the full name of such business, the form of the business, and its location or address.

5. To “identify” a “document” means to provide all of the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:

- a. The title or other means of identification of each such document;
- b. The date of each such document;
- c. The author, preparer or signer of each such document; and
- d. A description of the subject matter of such document sufficient to permit an understanding of its contents and importance to the testimony or position being examined and the present or last known location of the document. The specific nature of the document should also be stated (*e.g.*, letter, business record, memorandum, computer print-out, etc.).

In lieu of “identifying” any document, it shall be deemed a sufficient compliance with these discovery requests to attach a copy of each such document to the answers hereto and reference said document in the particular interrogatory to which the document is responsive.

6. “Document” means the original and all drafts of all written and graphic matter, however produced or reproduced, of any kind or description, whether or not sent or received, and all copies thereof which are different in any way from the original (whether by interlineation, date-stamp, notarization, indication of copies sent or received, or otherwise), including without limitation, any paper, book, account, photograph, blueprint, drawing, sketch, schematic, agreement, contract, memorandum, press release, circular, advertising material, correspondence, letter, telegram, telex, object, report, opinion, investigation, record, transcript, hearing, meeting, study, notation, working paper, summary, intra-office communication, diary, chart, minutes, index sheet, computer software, computer-generated records or files, however stored, check, check stub, delivery ticket, bill of lading, invoice, record or recording or summary of any telephone or other conversation, or of any interview or of any conference, or

any other written, recorded, transcribed, punched, taped, filmed, or graphic matter of which the Responding Party has or has had possession, custody or control, or of which the Responding Party has knowledge.

7. "Communication" means any manner or form of information or message transmission, however produced or reproduced, whether as a document as herein defined, or orally or otherwise, which is made, distributed, or circulated between or among persons, or data storage or processing units.

8. "Date" means the exact day, month, and year, if ascertainable, or if not, the best approximation thereof.

9. Items referred to in the singular include those in the plural, and items referred to in the plural include those in the singular.

10. Items referred to in the masculine include those in the feminine, and items referred to in the feminine include those in the masculine.

11. The answers provided to these discovery requests should first restate the question asked and identify the person(s) supplying the information.

12. In answering these discovery requests, the Responding Party is requested to furnish all information that is available to the Responding Party, including information in the possession of the Responding Party's attorneys, agents, consultants, or investigators, and not merely such information of the Responding Party's own knowledge. If any of the discovery requests cannot be answered in full after exercising due diligence to secure the requested information, please so state and answer to the extent possible, specifying the Responding Party's inability to answer the remainder, and stating whatever information the Responding

Party has concerning the unanswered portions. If the Responding Party's answer is qualified in any particular, please set forth the details of such qualification.

13. If the Responding Party objects to providing any document requested on any ground, identify such document by describing it as set forth in Instruction 5 and state the basis of the objection.

14. If the Responding Party objects to part of a discovery request and refuses to answer that part, state the Responding Party's objection and answer the remaining portion of that discovery request. If the Responding Party objects to the scope or time period of a discovery request and refuses to answer for that scope or time period, state the Responding Party's objection and answer the discovery request for the scope or time period that the Responding Party believes is appropriate.

15. If, in connection with a discovery request, the Responding Party contends that any information, otherwise subject to discovery, is covered by either the attorney-client privilege, the so-called "attorneys' work product doctrine," or any other privilege or doctrine, then specify the general subject matter of the information and the basis to support each such objection.

16. If any information is withheld on grounds of privilege or other protection from disclosure, provide the following information: (a) every person to whom such information has been communicated and from whom such information was learned; (b) the nature and subject matter of the information; and (c) the basis on which the privilege or other protection from disclosure is claimed.

17. As set forth in 52 Pa. Code § 5.342(g), these discovery requests are continuing, and the Responding Party is obliged to change, supplement, and correct all answers given to conform to new or changing information.

18. "Formal Complaint" means the Formal Complaint filed by the Complainants at Docket No. C-2018-3000078.

**INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS PROPOUNDED ON  
WILLARD AND ELSBETH SUNSTEIN – SET I**

PPL to Complainant-I-1

Re: Formal Complaint.

- (a) Please explain in detail the reasons why you are challenging the Company's installation of the new smart meter.
- (b) Please describe in detail all health concerns, if any, raised by the Company's new smart meter, state the bases for such claims, and provide all documents relied upon by you in your response.
- (c) Please describe in detail all safety concerns, if any, raised by the Company's new smart meter, state the bases for such claims, and provide all documents relied upon by you in your response.
- (d) Please describe in detail all privacy concerns, if any, raised by the Company's new smart meter, state the bases for such claims, and provide all documents relied upon by you in your response.
- (e) Please describe in detail all reasons you believe the Company's new smart meter violates the law.

PPL to Complainant-I-2

Please identify all wireless phones, cellphones, microwaves, wireless routers, wifi networks, tablets, computers, Bluetooth speakers, wireless security systems, smart speakers (*e.g.*, Amazon Echo), garage door openers, baby monitors, and walkie talkies that are contained in or used in the house.

PPL to Complainant-I-3

Please state whether you or any member of your household uses a cell phone. If so, please provide the make and model of each cell phone and, for each phone identified, provide 12 months of phone bills or other records of actual cell phone usage.

PPL to Complainant-I-4

- (a) Please state every health condition you claim was caused by a smart meter or will be caused or worsened by the installation of PPL Electric's new smart meter.
- (b) Please provide the date that every health condition identified in subpart (a) began.

- (c) Please provide copies of all your medical records of every health condition identified in subpart (a).
- (d) For each alleged health condition that you do not have medical records for in response to subpart (c), please state whether such condition was diagnosed by a medical professional. If so, please provide the name, address, and telephone number of the medical professional and the date of the diagnosis.
- (e) For each of the alleged health conditions identified in subpart (a), please state whether you have been prescribed any therapy or treatment for the condition by a medical professional. If so, please identify the therapy or treatment, provide the name, address, and telephone number of the prescribing medical professional, and provide the date the therapy or treatment was prescribed.

PPL to Complainant-I-5

Please identify each person you plan to call as a lay witness in this proceeding. For each person, please:

- (a) Provide the person's name, home and business address, background, and qualifications;
- (b) Explain in detail the subject matter(s) on which the witness is expected to testify; and
- (c) Provide the source(s) of information relied upon or referenced by the witness.

PPL to Complainant-I-6

Please identify each person you plan to call as an expert witness in this proceeding. For each person, please:

- (a) Provide the person's name, home and business address, background, and qualifications;
- (b) Explain in detail the subject matter(s) on which the witness is expected to testify;
- (c) Provide the source(s) of information relied upon or referenced by the witness; and
- (d) Provide a copy of the expert witness's current curriculum vitae.

PPL to Complainant-I-7

Please provide copies of all exhibits you intend to present or utilize at the evidentiary hearing in this proceeding. For each exhibit to be used as part of your direct case, please identify the witness who will be sponsoring the exhibit.

