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March 18, 2019

**VIA ELECTRONIC FILING**

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

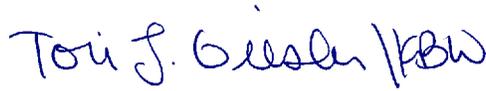
**Re: Larry R. Kramer and Ellen M. Kramer v. Metropolitan Edison Company**  
**Docket No. C-2017-2630621**

Dear Secretary Chiavetta:

Enclosed please find the response of Metropolitan Edison Company to the Motion to Compel of Larry R. Kramer and Ellen M. Kramer with regard to the above-captioned matter.

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

Very truly yours,

  
Tori L. Giesler

kbw  
Enclosures

c: As Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**LARRY R. KRAMER AND  
ELLEN M. KRAMER**

**v.**

**METROPOLITAN EDISON COMPANY**

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**Docket No. C-2017-2630621**

**MOTION OF METROPOLITAN EDISON COMPANY TO COMPEL RESPONSES TO  
INTERROGATORIES AND DOCUMENT REQUESTS**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Metropolitan Edison Company (“Met-Ed” 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 response of Metropolitan Edison Company to the Second Motion to Compel of Larry R. Kramer and Ellen M. Kramer.

**I. Background**

1. On October 24, 2017, the Complainants filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission”) regarding 101 South College Street, Myerstown, Pennsylvania 17067 (the “Service Location”).

2. On November 13, 2017, the Company filed its Answer and New Matter denying the material allegations as well as Preliminary Objections.

3. On November 30, 2017, the Complainants filed a reply to the Company’s Answer and New Matter.

4. On November 30, 2017, the Complainants also filed an Amended Formal Complaint which was served on the Company via first class mail.

5. On December 6, 2017, a motion judge assignment notice was issued assigning this matter to Administrative Law Judge Jeffrey A. Watson (“ALJ Watson”) for disposition.

6. On December 26, 2017, an Interim Order was issued by ALJ Watson denying the Company's Preliminary Objections.

7. On January 10, 2018, the Complainants filed a reply to the Company's Answer and New Matter to the Complainants' Amended Formal Complaint.

8. On January 23, 2018 in accordance with 52 Pa. Code § 5.341, the Company forwarded to the Complainants interrogatories and document requests via first class mail.

9. On February 3, 2018, the Complainants mailed objections to all of the Company's interrogatories and document requests.

10. On June 14, 2018, the Company filed a Motion to Compel responses to the Company's discovery requests issued on January 23, 2018.

11. On August 30, 2018, ALJ Watson issued an Interim Order granting the Company's Motion to Compel and ordering the Complainants to provide full, complete objections and/or responses to the Company's Discovery Requests on or before September 14, 2018.

12. In a letter dated September 13, 2018, Complainants responded to the Interim Order and essentially restated their prior objections, which were already rejected in the ALJ's Interim Order granting the Company's Motion to Compel.

13. Given the Complainants' failure to respond to the Company's discovery requests and ALJ Watson's order compelling the same, the Company filed a Motion to Dismiss the Formal Complaint in this matter on October 30, 2018.

14. On December 17, 2018, the Company received Complainants' Set I Interrogatories and Requests for Production of Documents ("Set I Discovery Requests").

15. On December 26, 2018, the Company filed its objections to the Set I Discovery Requests.

16. On January 22, the Complainants filed their Motion to Compel related to these objections.

17. On February 6, 2019, an Interim Order was entered denying the Company's Motion to Dismiss, without prejudice.

18. Also on February 6, 2019, an Interim Order was entered denying the Complainants' Motion to Compel.

19. On February 16, 2019, the Complainants served their Set II Interrogatories and Request for Production of Documents ("Set II Discovery Requests").

20. On March 1, 2019, the Company filed its objections to Interrogatory Number 62 of the Set II Discovery Requests, which objections are enclosed as Attachment A.

21. On March 9, 2019, the Complainants filed their Motion to Compel related to Interrogatory No. 62, which was received by the Company on March 13, 2019.

22. On March 18, 2019, the Company served its responses to all of the Set II Discovery Requests, with the exception of the one disputed item, Interrogatory No. 62.

## **II. Answer**

22. Interrogatory No. 62 of the Discovery Requests is improper and objectionable to the extent that it seeks information or documents that are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and fall outside the scope of this proceeding.

23. Specifically, that Discovery Request seeks the following:

Is Met-Ed insured for injuries resulting from or contributed to by electromagnetic fields, electromagnetic radiation, electromagnetism, radio waves or noise?

24. Met-Ed specifically objected to this Discovery Request on the basis that it is overly broad, irrelevant, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. More directly, information related to the nature of the

Company's insurance coverage is wholly irrelevant to the Complainants and the issues raised within the Formal Complaint, or expected to be addressed at any hearing in this matter.

25. Presumably, the only reason that the Complainants could have interest in the Company's insurance coverage would be to the extent they are seeking some form of damages. Even if the issues in the formal complaint were considered to extend to a cause of action for liability, it is well-established that it is outside the bounds of the Pennsylvania Public Utility Commission's jurisdiction to award damages.

26. Given that no damages could be awarded from this proceeding even if there were grounds for such (which there are not), the Company's solvency or any other ability to cover such theoretical damages is not in any way relevant to the matters at issue in this proceeding.

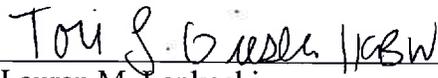
27. As such, the information is both not admissible and not discoverable.

**III. Conclusion**

WHEREFORE, for the foregoing reasons, the Complainants' Second Motion to Compel should be denied.

Respectfully submitted,

Dated: March 18, 2019

  
\_\_\_\_\_  
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Counsel for Metropolitan Edison Company



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(610) 921-6658  
(330) 315-9263 (Fax)

March 1, 2019

**VIA ELECTRONIC AND FIRST CLASS MAIL**

Larry R. Kramer and Ellen M. Kramer  
101 South College Street  
Myerstown, PA 17067  
Kramer101@comcast.net

**Re: Larry R. Kramer and Ellen M. Kramer v. Metropolitan Edison Company**  
**Docket No. C-2017-2630621**

Dear Mr. and Ms. Kramer:

Attached please find the Objections of Metropolitan Edison Company to the Interrogatories and Requests for Production of Larry R. Kramer and Ellen M. Kramer to Metropolitan Edison, Set 2, in the above-referenced matter. This document has been served as shown in the Certificate of Service.

Please contact me if you have any questions.

Very truly yours,

  
Tori L. Giesler

Enclosures

cc: As Per Certificate of Service  
Administrative Law Judge Jeffrey Watson (Cover Letter and Certificate)  
Rosemary Chiavetta, Esq., Public Utility Commission (Cover Letter and Certificate)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**LARRY R. KRAMER AND  
ELLEN M. KRAMER**

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**Docket No. C-2017-2630621**

v.

**METROPOLITAN EDISON COMPANY**

**OBJECTIONS TO THE INTERROGATORIES AND REQUESTS FOR PRODUCTION  
OF LARRY R. KRAMER AND ELLEN M. KRAMER TO METROPOLITAN EDISON,  
SET 2**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code § 5.342(c), Metropolitan Edison Company (“Met-Ed” or the “Company”) objects to the Second Set of Interrogatories and Requests for Production propounded by Larry R. Kramer and Ellen M. Kramer (“Complainants”) dated February 16, 2019 (“Discovery Requests”). The Company avers as follows:

**I. Background**

1. On October 24, 2017, the Complainants filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission”) regarding 101 South College Street, Myerstown, Pennsylvania 17067 (the “Service Location”).
2. On November 13, 2017, the Company filed its Answer and New Matter denying the material allegations as well as Preliminary Objections.
3. On November 30, 2017, the Complainants filed a reply to the Company’s Answer and New Matter.
4. On November 30, 2017, the Complainants also filed an Amended Formal Complaint which was served on the Company via first class mail.

5. On December 6, 2017, a motion judge assignment notice was issued assigning this matter to Administrative Law Judge Jeffrey A. Watson ("ALJ Watson") for disposition.
6. On December 26, 2017, an Interim Order was issued by ALJ Watson denying the Company's Preliminary Objections. 7. On January 10, 2018, the Complainants filed a reply to the Company's Answer and New Matter to the Complainants' Amended Formal Complaint.
8. On January 23, 2018 in accordance with 52 Pa. Code § 5.341, the Company forwarded to the Complainants interrogatories and document requests via first class mail.
9. On February 3, 2018, the Complainants mailed objections to all of the Company's interrogatories and document requests.
10. On June 14, 2018, the Company filed a Motion to Compel responses to the Company's discovery requests issued on January 23, 2018.
11. On August 30, 2018, ALJ Watson issued an Interim Order granting the Company's Motion to Compel and ordering the Complainants to provide full, complete objections and/or responses to the Company's Discovery Requests on or before September 14, 2018.
12. In a letter dated September 13, 2018, Complainants responded to the Interim Order and essentially restated their prior objections, which were already rejected in the ALJ's Interim Order granting the Company's Motion to Compel.
13. Given the Complainants' failure to respond to the Company's discovery requests and ALJ Watson's order compelling the same, the Company filed a Motion to Dismiss the Formal Complaint in this matter on October 30, 2018.
14. On December 17, 2018, the Company received Complainants' Interrogatories and Requests for Production.

15. On December 26, 2018, the Company filed its objections to certain of the Discovery Requests.

16. On January 22, the Complainants filed their Motion to Compel related to these objections:

17. On February 6, 2019, an Interim Order was entered denying the Company's Motion to Dismiss, without prejudice.

18. Also on February 6, 2019, an Interim Order was entered denying the Complainants' Motion to Compel.

## **II. Objections**

19. In responding to the Complainants' Discovery Requests, the Company does not waive any objections to the admissibility, relevancy, materiality, confidentiality, or privilege attached to any document, communication, or information.

20. Interrogatory Number 62 of the Discovery Requests is improper and objectionable to the extent that it seeks information or documents that are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and fall outside the scope of this proceeding. Accordingly, the Company objects to that Discovery Request in its entirety. That Discovery Request requests the following:

Is Met-Ed insured for injuries resulting from or contributed to by electromagnetic fields, electromagnetic radiation, electromagnetism, radio waves or noise?

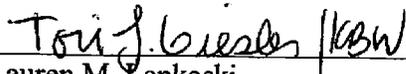
Met-Ed specifically objects to this Discovery Request on the basis that it is overly broad, irrelevant, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Information related to the nature of the Company's insurance coverage is wholly irrelevant to the Complainants and the issues raised within the Formal Complaint or expected to be addressed at any hearing in this matter and is therefore not discoverable.

**III. Conclusion**

WHEREFORE, for the foregoing reasons, Metropolitan Edison Company objects to Complainant's Discovery Requests, Set 2.

Respectfully submitted,

Dated: March 1, 2019

  
\_\_\_\_\_  
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Attorney No. 207742  
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[tgiesler@firstenergycorp.com](mailto:tgiesler@firstenergycorp.com)

Counsel for Metropolitan Edison Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**LARRY R. KRAMER AND  
ELLEN M. KRAMER**

v.

**METROPOLITAN EDISON COMPANY**

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) **Docket No. C-2017-2630621**  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the Objections of Metropolitan Edison Company to the Interrogatories and Requests for Production of Larry R. Kramer and Ellen M. Kramer to Metropolitan Edison Company, Set 2, upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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

Larry R. Kramer and Ellen M. Kramer  
101 South College Street  
Myerstown, PA 17067  
Kramer101@comcast.net

Dated: March 1, 2019

  
\_\_\_\_\_  
Lauren M. Lepkoski  
Tori L. Giesler  
FirstEnergy Service Company  
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llepkoski@firstenergycorp.com  
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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**LARRY R. KRAMER AND  
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**METROPOLITAN EDISON COMPANY**

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**Docket No. C-2017-2630621**

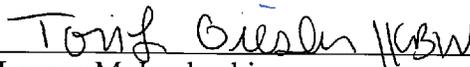
**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the Response of Metropolitan Edison Company to Motion to Compel of Larry R. and Ellen M. Kramer upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by UPS over night delivery  
Larry R. Kramer and Ellen M. Kramer  
101 South College Street  
Myerstown, PA 17067

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

Dated: March 18, 2019

  
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