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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**CONCHITA M BRAUN**

1220 Parkside Drive South  
Reading, PA 19611

610 /375-3501

conchitabraun@yahoo.com

April 11, 2019

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nds Floor  
Harrisburg, PA 17120

**RE: Conchita M Braun v. Metropolitan Edison Company**  
**Docket No. C-2018-3003001**

Dear Secretary Chiavetta:

Enclosed please find the **Motion to Compel** of Conchita M Braun with regard to the above-captioned matter. This document has been served on to First Energy/ Metropolitan Edison Company as shown in the Certificate of Service. Copies have also been sent to the Honorable Jeffrey A. Watson.

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

Sincerely,



Conchita M Braun

c: As per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**CONCHITA M BRAUN** :  
**v.** : **Docket No. C-2018-3003001**  
**METROPOLITAN EDISON COMPANY** :

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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**NOTICE TO PLEAD**

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**TO: FIRST ENERGY/METROPOLITAN EDISON COMPANY**

Pursuant to 52 Pa. Code 5. 102 (b), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion to Compel of Complainant, Conchita M Braun, within **five (5) days** from the service of the Notice, the facts set forth by the Complainant in the Motion may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy service to the Complainant and to the Administrative Law Judge presiding over the case.

**File with:**

Rosemary Chiavetta Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
Harrisburg, PA 17120

**With a copy to:**

ALJ Jeffrey A Watson  
Pennsylvania PUC  
301 5<sup>th</sup> Avenue, Platt Place- suite 220  
Pittsburgh, PA 15222

Conchita M Braun  
1220 Parkside Drive South  
Reading, PA 19611

Date: April 11, 2019



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Conchita M Braun

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

CONCHITA M BRAUN

:

v.

:

Docket No. C-2018-3003001

METROPOLITAN EDISON COMPANY

:

**MOTION TO COMPEL METROPOLITAN EDISON COMPANY TO ANSWER THE  
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS (SET  
I) NOS. 4, 16, 17, 22, 39, 41, 50-52, 54-58, 60-61, 69 AND 71**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code § 5.371-5.372, Complainant, Conchita M Braun, hereby files this Motion to Compel Metropolitan Edison Company/First Energy (The Company) to provide full and complete answers to Interrogatories and Document requests issued by the Complainant on March 18<sup>th</sup>, 2019. In support thereof the Complainant avers as follows:

**I. OVERVIEW**

1. As part of the discovery process, on March 18<sup>th</sup> 2019, the Complainant issued discovery requests (Set 1) to the Company.
2. On March 26<sup>th</sup>, 2019, an Interim Order establishing a Revised Initial Litigation Schedule was issued which set forth the revised schedule for discovery, the identification of witnesses and filing of motions in this proceeding.
3. On April 6<sup>th</sup>, Complainant received a letter from the Company, dated April 1<sup>st</sup>, (envelope stamped in their office on April 2<sup>nd</sup> and mailed April 3<sup>rd</sup>) with Objections to the Interrogatories and Request for Production of Documents of Conchita M Braun to the Company. The company objects to Set 1 interrogatory Nos. 4, 16, 17, 22, 39, 41, 50-52, 54-58, 60-61, 69 and 71.
4. The company *emailed* the Complainant their Objection to answer discovery, on April 1<sup>st</sup>, the date that the document is dated. No agreement was ever made by the Complainant to

accept electronic filings from the Company. The Complainant is not set up for electronic filing with the PUC. Proper service to the Complainant is by First Class or certified mail, not by email. The Company can serve, if they chose to, a courtesy email copy, but proper service is to be sent to Complainant via first class or certified mail. Dates for any document responses are to be calculated from the date the paper copies are received. The Company didn't send the email copy so that the Complainant, if needed, can copy and paste portions of the content, as the document sent is in pdf format, and not editable. Furthermore, Complainant's computer was being serviced at the time the email was sent, so Complainant could not read and revise the document properly until the document arrived via first class mail on April 6<sup>th</sup>. Complainant cannot revise properly lengthy documents in electronic form and requests that **all filings** be made via regular mail and not electronically.

5. At no point did the Company contact the Complainant to discuss the Objections to the Discovery Requests.
  
6. **The Company's claim that numerous of the Complainant's Discovery Requests seek information or documents that is wholly objectionable, and the Company objects to it in its entirety. Specifically, the Company objects to Braun Interrogatory Set I, Nos. 16, 17, 22, 39, 41, 50-52, 54-58, 60-61, and 64-68 as well as portions of Interrogatory Nos, 4, 69 and 71. (As stated in the Company's filed objection, page 4, under II. Objections /29) is without Merit.**
  
7. All Discovery Requests submitted by the Complainant to the Company are relevant and have a direct bearing on, the issues raised in the Complainant's Formal and Amended Complaints, which are issues related to health, safety, reliability, security, privacy vulnerabilities, inflated bills, effects on wiring and appliances, the law, information on the Smart Meters being deployed, lack of information provided by the Company and Complainant's rights. The discovery questions issued by the Complainant are simple and straight forward. They are not technically difficult to answer. The answers to the discovery requests are available to the Respondent.

Complainant's Discovery Requests all seek relevant information and fall within the permissible scope of discovery. Complainant is not requesting any privileged information; Therefore, the Company's objections are without merit.

8. In their objection the Company states:

*Numerous of the Complainant's Discovery Requests seek information or documents that is wholly objectionable, and the Company objects to it in its entirety. Specifically, the Company objects to Braun Interrogatory Set I, Nos. 16, 17, 22, 39, 41, 50-52, 54-58, 60-61, and 64-68 as well as portions of Interrogatory Nos, 4, 69 and 71. [Emphasis added]*

9. The Complainant disagrees with the Company's objections and request that the Company be directed to provide full and complete answers to all of the Complainant's discovery requests that the Company is objecting to.

10. The Company states in their objection that one of the questions they object to is Complainant's Discovery question number 39, however when they restate the question on the Company's filed objection (their page 9), they marked it as Discovery question 26. The re-stated portion marked as 26, is the actual question 39. This is confusing and needs to be corrected, as the Company obviously made a mistake. Unless the Complainant is to assume that discovery request 26 is also objected to.

11. Most of the Company's objections are repetitive, stating among other things:

*The Discovery request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding and not reasonably calculated to lead to the discovery of admissible evidence...*

The Complainant disagrees with these statements by the Company. None of the Discovery Requests are anything of the sort. On the contrary, the requests are relevant, clear,

straightforward, should be information that the Company has readily available or easy to find as it must be documented on their records.

12. All of The Complainant's Discovery Requests relate directly to Smart Meters and the issues brought up in the Complaint/s, such as issues related to health and environmental effects, safety, reliability, security, privacy and billing concerns, as well as customer rights, smart meter information and legalities. In doing so, Complainant has adhered to the intent and spirit of 52. Pa. Code § 5.321(c).

52. Pa. Code § 5.321(c) Scope.

Subject to this subchapter, a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter. It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

13. The questions in the Discovery request by the Complainant have been formulated in good faith and not meant to be an unreasonable annoyance, burdensome, or require unreasonable investigation, as the Company should have easy access and record of all or the majority of the answers to the Complainant's Discovery requests.

14. Complainant should not be faulted by the fact that due to the lack of information provided to the customers, and as part of this process, Complainant must now rely on the Company to provide answers through the discovery process to address the many concerns raised in the Formal Complaint. It takes answers to more than just a few simple questions to achieve the necessary level of understanding and clarity that is required. Complainant is tasked with having to produce a preponderance of evidence to meet its burden of proof. Complainant's ability to do this will be harmed and compromised if the answers to the Discovery Requests are not forthcoming and are subject to the discretion of the Company.

15. Discovery may be obtained regarding any matter relevant to the subject matter. Relevant evidence is evidence that tends to make an act at issue more or less probable. Moreover, evidence is relevant if it advances the inquiry in some degree and, thus, has probative value. Although the law does not furnish an absolute test of relevancy, the Pennsylvania Supreme Court follows a two-part analysis for determining relevance. In *Commonwealth v. Stewart*, 461 Pa 274, 336 A. 2d 282 (1975) the Court held that [i]t must be determined first if the inference sought to be raised by the evidence bears upon a matter at issue in this case, second, whether the evidence renders the desired inference more probable than it would be without the evidence. *Id.* at 284.

16. The information sought by the Complainant is relatively simple and straightforward. It is directly relevant and material to the issues raised in the Complainant's Formal Complaint. The Complainant is entitled to the requested information to enable her to properly prepare for this proceeding.

17. In their objection the Company states that they object to portions of Interrogatory Nos, 4, 69 and 71. The Company restates those questions, but the Complainant is not able to determine what portion/s of those questions the Respondent is referring to, as the Company fails to clarify and address what portions of those questions they are objecting to.

**18. OBJECTED DISCOVERY QUESTIONS CITED BY THE COMPANY, FOLLOWED BY COMMENTARY BY COMPLAINANT, IN RESPONSE TO THEIR OBJECTIONS:**

**Braun Interrogatory Set 1, No. 4**

How many different types-models of Smart Meters is the Company deploying throughout Pennsylvania? Please list all different types of Smart Meters being deployed by First Energy, Met-Ed and all other subsidiaries of First Energy in Pennsylvania. Explain the differences between the different meters being deployed by the Company.

**COMPANY'S OBJECTION:**

*This Discovery request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery admissible evidence. Information related to companies and service territories other than Metropolitan Edison Company is wholly irrelevant to the Complainant and the issues raised within the Formal Complaint or expected to be addressed at any hearing in this matter and is therefore not discoverable.*

As a resident of Pennsylvania, Complainant is seeking to address and figure out the different type of Smart Meters that the Company is deploying throughout their PA territory. The question is clear, simple and straightforward. The Complainant's Formal and Amended Complaints are to First Energy and Met-Ed, as the Company/Respondent. Every single correspondence received by the Complainant from the Company has been in envelopes with the return address label from First Energy. First Energy, besides Metropolitan Edison Company has other subsidiaries. Being that they are all part of First Energy, requesting the type of Smart Meters being deployed by First Energy companies in PA is relevant to this complaint. The Complainant is trying to find out if there are different types of Smart Meters that First Energy/Metropolitan Edison Company is installing throughout PA and if so, what the different types of Smart meters are. It's imperative for the Complainant to know the details of the different Smart Meters offered and deployed by the Company in order to properly prepare for this proceeding.

Furthermore, the Complainant is aware that the Company, files jointly for the Approval of their Smart Meter Deployment plan. That is, Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company jointly filed with the Commission. This further proves that the request by the Complainant is reasonable and relevant. Further, on pages 4 and 28 of the filed Company objections to the Complainant's Interrogatories, the Company states that they object to portions of Interrogatory no.4. The Complainant cannot determine by their objection, which part the Company agrees to answer and what part they object to, as it is not clearly specified.

**Braun Interrogatory Set 1, No. 16**

List all other states where First Energy provides electricity to customers? Which of those other states give the customers an option to opt-out of a Smart Meter?

**COMPANY'S OBJECTION:**

*This Discovery request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery admissible evidence. Information related to companies and service territories other than Metropolitan Edison Company is wholly irrelevant to the Complainant and the issues raised within the Formal Complaint or expected to be addressed at any hearing in this matter and is therefore not discoverable.*

In this discovery question the Complainant is trying to find out in what other states First Energy provides services and in which of those states the customers have a Smart Meter Opt-out option. This is relevant information that the Complainant needs in order to adequately prepare for this proceeding. This information is within the scope of this proceeding. These questions should be simple and easy to answer by the Company. They are not vague, ambiguous, overly broad, unduly burdensome or any of the other things that the Company mentions. As stated in my comments to the Company's objection to Interrogatory question 4 above, First Energy is a Respondent in this Complaint. The comments provided above by Complainant apply to this Interrogatory question too.

**Braun Interrogatory Set 1, No. 17.**

In the states where an option to opt-out of a SM is available, how does First Energy communicate with those customers that the SM is only optional?

**COMPANY'S OBJECTION:**

*This Discovery request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery admissible evidence. Information related to companies and service territories other than Metropolitan Edison Company is wholly irrelevant to the Complainant and the issues raised within the Formal Complaint or expected to be addressed at any hearing in this matter and is therefore not discoverable.*

As stated earlier, First Energy is a Respondent in this Complaint. With these questions the Complainant is simply trying to understand the communication efforts of the Company with customers in other states with an option to Opt- Out of a Smart Meter. How that information is conveyed to the customer prior to installment of a Smart Meter. Company practices, honesty and transparency is key for proper and reliable service to its customers. Lack of willingness to

provide information and answers to simple and straightforward requests such as those on these discovery questions, raise concerning issues of trust and of proper business practices by the Company. The right to be informed, as stated in the Consumer Bill of Rights, is one of the issues brought up in the Complaint, these questions apply to how the Company provides information to its customers, and therefore is relevant and not vague, ambiguous or any of the other repetitive objections that the Company raises here.

**Braun Interrogatory Set 1, No. 22**

Is the Complainant being charged for a Smart Meter? If yes, please provide the following: How and when was the Complainant notified of such charge? How did the Company obtain consent from the Complainant for such a charge? How much is the Complainant being charged for a SM? Since when has the Complainant been charged a fee? Where is it specified what the total charge for the SM will be?

**COMPANY'S OBJECTION:**

*This request is vague, ambiguous irrelevant, outside the scope of this proceeding and not reasonably calculated to lead to the discovery of admissible evidence. The cost of electricity used by the Company's smart meters and who bears the cost is not relevant to the issues in this proceeding, including the legal mandate imposed on to implement smart meters in accordance with Act 129, the Company's Pennsylvania Public Utility Commission-approved smart meter implementation plan and retail electric tariff.*

Nothing that the Company describes in its objection applies to this question. The question is simple and straight forward. The lack of information provided by the Company is a big matter in this Complaint. The Complainant should be provided with this information without even having to request it. If the answer to this question is "Yes", that the Complainant is being charged for a Smart Meter, isn't it logical that the Complainant would want and need to know when and how was the notification of this charge issued? When was consent given by the Complainant for such charge. How much is the Complainant being charged for a Smart Meter that she doesn't have or want. Since when have these charges been taking place and how much will the total amount of the Smart Meter will be. Not willing or wanting to provide this information is very concerning and far from proper and reliable service by the Company. It truly is upsetting that as a loyal paying customer for decades, this information would not be willingly provided upfront to the

customers, regardless of what the Company believes Act 129 is telling them to do or what the tariff is, the customers have the right to know, preferably ahead of time, of any additional charges that they are expected to pay for. It's common sense and good business practice to properly inform customers. It is improper that the customer has to be requesting this information and then the Company object to provide it. As addressed in my Complaint the lack of information infringes with the Consumer Bill of Rights, the Right to be Informed. The lack of information provided is a relevant issue in this Complaint.

**Braun Interrogatory Set 1. No. 26**

What guarantee does the Company give its customers, that the SM's being deployed, will not cause any personal or property damage, such as sparks, explosions, fires, or will damage existing appliances? What responsibility does the Company assume, in case any damage is caused by the SM?

**COMPANY'S OBJECTION:**

*This Discovery request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery admissible evidence, as it seeks information beyond that which relates to smart meters. Information related to tort liability is wholly irrelevant to the Complaint or expected to be addressed at any hearing in this matter and is therefore not discoverable.*

First of all, the Company used number 26 as the number for this interrogatory question. The question stated belongs to Braun Interrogatory No. 39, not to No. 26. Question 26 is not listed by the Company as one of their Interrogatory objections. The Complainant is left to assume that the Company made a mistake in writing No. 26 here, when they intended to write No. 39. If that is the case, I will address question 39, which is relevant to the safety concerns raised by the Complainant in this case. If the Company is confident in the safety of their products, in this case their Smart Meters, they should gladly be willing to communicate that with their customers and provide proper documentation to that effect. How can it be irrelevant and unduly burdensome to provide testament safety of a product the Company is demanding to install? Doesn't the Company assume any responsibility in case their Smart Meter would cause any personal or property damage? It seems unreal that this is what the Company seems to imply by refusing to

answer such questions. Very concerning. Honestly the more this goes on, the more concerned I'm becoming. Again, lack of information, creates added concern and is a recurring issue brought up in my Formal Complaint, together with safety concerns as referred to in this Interrogatory number 39.

**Braun Interrogatory Set 1. No 41**

Does the Company assume any responsibility for any negligent or improper installation of the deployed SM by its subcontractors? Enumerate the required qualifications of such subcontractors or Company employees installing SM's?

**COMPANY'S OBJECTION:**

*This Discovery request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence, as it seeks information beyond that which relates to smart meters. Information related to tort liability is wholly irrelevant to the Complainant and the issues raised within the Formal Complaint or expected to be addressed at any hearing in this matter and is therefore not discoverable.*

This question relates to the training, protocols, and professionalism of its Meter Exchangers, which is a question of Safety. Proper installation of Smart meters obviously relates to Smart Meters, unlike what the Company states in their objection. The Complainant has the right to know the required qualification of the people the Company hires to install their Smart Meters, whether they are direct employees of the Company or subcontractors. It is relevant to ask what responsibility the Company assumes if a negligent or improper installation of a Smart Meter takes place. This is simple and straightforward information that the Company should have available. Not wanting to provide such information makes the Complainant suspicious that proper, safe service may not be provided.

**Braun Interrogatory Set I, No. 50**

Has the Company experienced any cyber-attacks? If so, please describe the nature of the cyber-attacks, including when they occurred, the systems that were breached, which Company information was accessed and any other damages to the Company and its customers.

**COMPANY'S OBJECTION:**

*This Discovery request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead*

*to the discovery of admissible evidence, as it seeks information beyond that which relates to smart meters. Further this request could require the unauthorized disclosure of federally-protected information.*

None of the objections stated in by the Company are correct. The relevance is directly linked to the Complaint, in regards to privacy concerns and hacking vulnerabilities, The answer to this question can be made without the need to disclose any federally-protected information. These is an extremely important and relevant issue raised in the Complaint. Even the Commission has documents they have filed in regards to hacking vulnerabilities and utilities.

**Braun Interrogatory Set I, No 51**

Has any state or federal regulatory agency, including the PUC, cited the Company for any safety, service or security violations during the last 15 years?

- a. If so, please describe the nature of the violations, and when corrective actions were taken.
- b. Are there any current un-resolved violations?

**COMPANY'S OBJECTION:**

*This Discovery request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence, as it seeks information beyond that which relates to smart meters. Furthermore, Section 1508 of the Public Utility Code, 66 Pa. C.S 1508 does not allow reports of accidents to open for public inspection.*

The Complainant is trying to determine if the Company is providing safe, secure and reliable service, something that the Company is obliged to do. The question is relevant, as safety security and reliability are raised in the Complaint. The question can be answered without having to violate any PUC Code. The information is readily available to the Company. The objection to this information raises more questions than answers and makes the Complainant not feel confident on the safety practices of the Company. Obviously, there must be an issue with Company caused accidents.

**Braun Interrogatory Set I, No 52**

Please provide copies of all Company audits, investigations, reports and notices for any safety, service, reliability and or security violations since 2004. List then amount of money paid in fines

by the Company for any such violations.

**COMPANY'S OBJECTION:**

*This Discovery request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence, as it seeks information beyond that which relates to smart meters. Furthermore, Section 1508 of the Public Utility Code, 66 Pa. C.S 1508 does not allow reports of accidents to open for public inspection.*

Here again, the Complainant is trying to determine if the Company is providing safe, secure and reliable service, something that the Company is obliged to do and to provide documentation in regards to any violations they have been cited for. The question is relevant, as safety security and reliability are extremely important issues raised in the Complaint. The question can be answered without having to violate any PUC Code. The information is readily available to the Company. The objection to this information raises more questions than answers and makes the Complainant not feel confident on the safety practices of the Company and makes the Company sound like they have something to hide.

**Braun Interrogatory Set I, No. 54**

Please provide the total number of formal complaints, filed with the PA-PUC against Met-Ed and First Energy's subsidiaries, due to the installation or proposed installation of Smart Meters.

- a. How many of those formal complaints were/are in regards to *health concerns*?
- b. List the docket numbers for Formal Complaints that include health concerns.
- c. How many of those formal Complaints include *safety and reliability concerns*?
- d. List the docket numbers for Formal Complaints that include safety and reliability concerns.
- e. How many of those Formal Complaints include *privacy concerns*?
- f. List the docket number for Formal Complaints that include privacy concerns.
- g. How many Formal Complaints include *billing disputes, billing inaccuracies and or inflated bills* after the installation of a SM?
- h. List the docket numbers of Formal Complaints that have billing disputes, inaccuracies and or inflated bills after the installment of a SM.

**COMPANY'S OBJECTION:**

*This Discovery Request is vague, ambiguous, overly broad, irrelevant, outside the scope of this proceeding, not reasonably calculated to the discovery of admissible evidence, unduly burdensome, and requests information that would require the disclosure of personally identifiable information related to customers who are not party to this*

*proceeding. Information related to the customer complaints is wholly irrelevant to the Complainant and issues raised within the Formal Complaint and is therefore not discoverable.*

In order to properly prepare for this proceeding, it is important for the Complainant to know, how many Formal Complaints the Company has had in regards to the same issues brought up by the Complainant. These cases are part of the public domain and wouldn't require the Company to disclose any personally identifiable or privileged information related to other customer complaints. Furthermore, records of other proceedings have been and can be used as per 52 Pa. Chapter 5, Subsection E., § 5.407. Records of other proceedings, states

- (a) When a portion of the record in another proceeding before the Commission is offered in evidence and shown to be relevant and material to the instant proceeding, a true copy of the record shall be presented in the form of an exhibit, together with additional copies as provided in § 5.409 (relating to copies and form of documentary evidence). (b) Subsection (a) is identical to 1 Pa. Code § 35.167 (relating to records in other proceedings)

**Note:** The remarks here made by the Complainant also apply to the objections made to Interrogatory Nos 55, 56, 57, & 58 below.

**Braun Interrogatory Set I. No. 55**

Please list the names of any expert witnesses that have given testimony on behalf of any Complainant, in regards to the damaging health effects caused by wireless radiation emitted from SM's.

- a. Provide copies of such testimonies.

**COMPANY'S OBJECTION:**

*This Discovery Request is vague, ambiguous, overly broad, irrelevant, outside the scope of this proceeding, not reasonably calculated to the discovery of admissible evidence, unduly burdensome, and requests information that would require the disclosure of personally identifiable information related to customers who are not party to this proceeding. Information related to the customer complaints is wholly irrelevant to the Complainant and issues raised within the Formal Complaint and is therefore not discoverable. Furthermore, to the extent such information is available to Metropolitan Edison Company, it is publicly available to the Complainant as well.*

Complainant has the same remarks for the objections made to No 55 as the ones Complainant

made to objections on No. 54. (See above) Furthermore, the Company has this information on record and the Complainant doesn't. By not willingly providing the information here requested, the Company will force the Complainant to require much more time to prepare her case by forcing her to search and find out this information on her own. These same remarks apply to the objections made to Interrogatory Nos, 56, 57 & 58 below.

**Braun Interrogatory Set I, No. 56**

Has the Company ever heard the testimony of any witnesses about problems with safety in regards to SM's?

- a. If yes, please list the names of all witnesses that have given testimony, stating that SM's pose a safety and reliability concerns, such as possible fires, sparks, and explosions.
- b. Provide copies of such testimonies.

**COMPANY'S OBJECTION:**

*This Discovery Request is vague, ambiguous, overly broad, irrelevant, outside the scope of this proceeding, not reasonably calculated to the discovery of admissible evidence, unduly burdensome, and requests information that would require the disclosure of personally identifiable information related to customers who are not party to this proceeding. Information related to the customer complaints is wholly irrelevant to the Complainant and issues raised within the Formal Complaint and is therefore not discoverable. Furthermore, to the extent such information is available to Metropolitan Edison Company, it is publicly available to the Complainant as well.*

Complainant has the same remarks for the objections made to No 56 as the ones Complainant made to objections on Nos. 54 and 55. (See above)

**Braun Interrogatory Set I, No 57**

Has the Company ever heard testimony of any expert witnesses stating that SM's pose privacy and hacking vulnerabilities?

- a. If yes, please list the names of all expert witnesses that have given testimony stating that SM's pose a privacy and hacking concern.
- b. Provide copies of such testimonies.

**COMPANY'S OBJECTION:**

*This Discovery Request is vague, ambiguous, overly broad, irrelevant, outside the scope*

*of this proceeding, not reasonably calculated to the discovery of admissible evidence, unduly burdensome, and requests information that would require the disclosure of personally identifiable information related to customers who are not party to this proceeding. Information related to the customer complaints is wholly irrelevant to the Complainant and issues raised within the Formal Complaint and is therefore not discoverable. Furthermore, to the extent such information is available to Metropolitan Edison Company, it is publicly available to the Complainant as well.*

Complainant has the same remarks for the objections made to No 57 as the ones Complainant made to objections on Nos. 54 and 55 (see above)

**Braun Interrogatory Set I. No 58**

Please list the number and names of all witnesses and complainants that have given testimony stating that SM's have caused inflated bills. Provide copies of such testimonies.

**COMPANY'S OBJECTION:**

*This Discovery Request is vague, ambiguous, overly broad, irrelevant, outside the scope of this proceeding, not reasonably calculated to the discovery of admissible evidence, unduly burdensome, and requests information that would require the disclosure of personally identifiable information related to customers who are not party to this proceeding. Information related to the customer complaints is wholly irrelevant to the Complainant and issues raised within the Formal Complaint and is therefore not discoverable. Furthermore, to the extent such information is available to Metropolitan Edison Company, it is publicly available to the Complainant as well.*

Complainant has the same remarks for the objections made to No 58 as the ones Complainant made to objections on Nos. 54 and 55 (see above)

**Braun Interrogatory Set I. No 60**

Has the Company had any customers contacting the Company regarding stray voltage and or magnetic power quality issues? If the answer is yes, please explain, how the Company resolved such problems.

**COMPANY'S OBJECTION:**

*This Discovery Request is vague, ambiguous, overly broad, irrelevant, outside the scope of this proceeding, not reasonably calculated to the discovery of admissible evidence, unduly burdensome, and requests information that would require the disclosure of personally identifiable information related to customers who are not party to this proceeding. Information related to the customer complaints is wholly irrelevant to the*

*Complainant and issues raised within the Formal Complaint and is therefore not discoverable.*

The Complainant has clearly stated in her Complaint Smart Meter safety concerns, which is what is addressed in this interrogatory question as well as the steps the Company takes to remediate such events if they occur. To answer this question the Company doesn't need to disclose any privileged information.

**Braun Interrogatory Set I. No 61**

Please list the number of Formal Complaints or legal proceedings, filed by Company customers, that are either open or closed or are in process, in jurisdictions other than the PA-PUC, that are being handled in other PA courts, in regards to SM deployment. Please list the different courts where complaints have been filed and include case/docket numbers.

**COMPANY'S OBJECTION:**

*This Discovery Request is vague, ambiguous, overly broad, irrelevant, outside the scope of this proceeding, not reasonably calculated to the discovery of admissible evidence, unduly burdensome, and requests information that would require the disclosure of personally identifiable information related to customers who are not party to this proceeding. Information related to the customer complaints is wholly irrelevant to the Complainant and issues raised within the Formal Complaint and is therefore not discoverable. Further, information related to companies and service territories other than Metropolitan Edison Company is wholly irrelevant to the Complainant and the issues raised within the Formal Complaint or expected to be addressed at any hearing in this matter and is therefore not discoverable.*

The objections don't apply to this question. The interrogatory question is how many, simply provide a number, of Complaints or legal proceedings filed against the Company in jurisdictions other than the PUC and to include those docket/case numbers. These cases are to be in relation to Smart Meters.

**Braun Interrogatory Set I. No 64**

Provide documentation of independent scientific studies that say that prolonged/cumulative exposure to wireless/electromagnetic radiation, such as the radiation emitted by SM's, is safe and doesn't cause any health problems.

**COMPANY'S OBJECTION:**

*This Discovery Request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding and not reasonably calculated to the*

*discovery of admissible evidence.*

The objections made by the Company are incorrect. Health concerns caused by radiation emitted by Smart Meters is one of the issues brought up in my Complaint. Independent scientific studies to the health safety of these devices should be already available to the Company, as it's something they should have looked at and investigated, before deciding to deploy any particular Smart Meter and as courtesy to the many customers that have raised health concerns.

Testimonies made by industry paid scientists or paid employees/witnesses tend to be biased and unfortunately cannot be trusted.

**Braun Interrogatory Set I. No 65**

How many complainants have stated that they suffer from Electro -Hypersensitivity? Please explain how SM's don't affect those suffering with Electro-Hypersensitivity.

**COMPANY'S OBJECTION:**

*This Discovery Request is vague, ambiguous, overly broad, irrelevant, outside the scope of this proceeding, not reasonably calculated to the discovery of admissible evidence, unduly burdensome, and requests information that would require the disclosure of personally identifiable information related to customers who are not party to this proceeding. Information related to the customer complaints is wholly irrelevant to the Complainant and issues raised within the Formal Complaint and is therefore not discoverable.*

The Company's objections here are not making any sense with the questions asked. As stated in her Complaint, the Complainant is hypersensitive and affected by prolonged exposure to wireless devices. The Complainant is asking for an answer to simply provide a number, of how many complainants have stated they suffer from electro-hypersensitivity and is not requesting any privileged personal information. The interrogatory asks the Company to explain how the Smart Meters don't affect those with electro-hypersensitivity.

**Braun Interrogatory Set I. No 66**

Provide documentation you have that states that exposure to RFR/EMR does not adversely impact wildlife, plants and insects.

**COMPANY'S OBJECTION:**

*This Discovery Request is vague, ambiguous, overly broad, irrelevant, , unduly burdensome, outside the scope of this proceeding, not reasonably calculated to lead to the discovery of admissible evidence, as it seeks information beyond that which relates to smart meters.*

This interrogatory question, as every interrogatory question issued to the Company by the Complainant, relates to Smart Meters. The impact of the radiation emissions from Smart Meters, on the environment and wildlife, has been one of the concerns raised in my Complaint and is what is directly asked about here. Complainant is entitled and has a right to a safe environment and protect such environment in my own home and property. If the Company is certain that their Smart Meters don't pose a threat to the environment and wildlife, they should willingly provide such documentation and not object to it. Failure to do so indicates that there is good reason to believe it is harmful.

**Braun Interrogatory Set I. No 67**

Provide documentation that SM's don't cause dirty electricity and harmonics throughout the customer's existing wiring and that it doesn't interfere and cause malfunction of existing appliances. Please list all Complaints that the Company has received due to dirty electricity, harmonics and malfunction of appliances after a SM has been placed.

**COMPANY'S OBJECTION:**

*This Discovery Request is vague, ambiguous, overly broad, irrelevant, outside the scope of this proceeding, not reasonably calculated to the discovery of admissible evidence, unduly burdensome, and requests information that would require the disclosure of personally identifiable information related to customers who are not party to this proceeding. Information related to the customer complaints is wholly irrelevant to the Complainant and issues raised within the Formal Complaint and is therefore not discoverable.*

Here again the Complainant is raising a relevant issue included in her Complaint on the negative effects of Smart Meters on existing wiring and appliances throughout the service location. If the Company is confident that their Smart Meters don't cause such problems, they should willingly provide such information. Failure to do so raises concerns. A list of Complaints addressing such concerns is requested. The Company should have this information, if it exists, on record.

Furthermore, records of other proceedings have been and can be used as per 52 Pa. Chapter 5, Subsection E., § 5.407. Records of other proceedings, states

- (a) When a portion of the record in another proceeding before the Commission is offered in evidence and shown to be relevant and material to the instant proceeding, a true copy of the record shall be presented in the form of an exhibit, together with additional copies as provided in § 5.409 (relating to copies and form of documentary evidence). (b) Subsection (a) is identical to 1 Pa. Code § 35.167 (relating to records in other proceedings).

**Braun Interrogatory Set I. No 68**

Explain how the Company is compliant with the Consumer Bill or Rights.

**COMPANY'S OBJECTION:**

*This Discovery Request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding and not reasonably calculated to the discovery of admissible evidence.*

This question directly relates to an issue brought up in the Complaint, that being the lack of compliance by the Company with the Consumer Bill of Rights, the rights in question are clearly stated in the Complainant's Amended Complaint which was filed on November 16<sup>th</sup>, 2018. The Company here has the opportunity to answer how they do comply with such Bill and the rights in question. This is a simple, relevant and direct question.

**Braun Interrogatory Set I. No 69**

In how many Formal Complaints have the three named expert witnesses that the Company intends to use, testified? In how many including Met-Ed and all First Energy's subsidiaries? For how many other EDC's, other than First Energy and its subsidiaries, have they been used as expert witnesses?

**COMPANY'S OBJECTION:**

*This Discovery Request is vague, ambiguous, overly broad, irrelevant, outside the scope of this proceeding, not reasonably calculated to the discovery of admissible evidence, unduly burdensome, and requests information that would require the disclosure of personally identifiable information related to customers who are not party to this proceeding. Information related to the customer complaints is wholly irrelevant to the Complainant and issues raised within the Formal Complaint and is therefore not discoverable. Further, information related to companies and service territories other than Metropolitan Edison Company is wholly irrelevant to the Complainant and the issues raised within the Formal Complaint or expected to be addressed at any hearing in this matter and is therefore not discoverable.*

Complainant again disagrees with the objections made by the Company. Complainant seeks to

learn simple information on the witnesses that the Company has presented as expert witnesses, therefore it is relevant to this matter. Complainant is asking for simply the number of cases these witnesses have been used to testify in. This information is readily available to the Company. As stated in prior remarks by the Complainant, First Energy is a Respondent in this case, and First Energy controls completely its subsidiaries. Requesting this information is not irrelevant. Furthermore, counsel representing this case is hired by First Energy. The testimony of any witnesses is an extremely important matter in any proceeding. Determining their experience and possible interests with the Company utilizing their services, is a key factor for any proceeding. Further, on pages 4 and 28 of the filed Company objections to the Complainant's Interrogatories, the Company states that they object to portions of Interrogatory no. 69. The Complainant cannot determine by their objection, which part the Company agrees to answer and what part they object to, as it is not clearly specified.

#### **Braun Interrogatory Set I. No 71**

How is the Company complying with 1501 PA PUC Code which states:

“§ 1501. Character of service and facilities. Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public.”

- a. Is the Company's interpretation that 'safe and reasonable service' applies only to the Company, or does the Company believe safe and reasonable services applies to all of its customers as a whole, /or to individual customers?
- b. How is threatening to shut off a customer's power, if a SM is not consented to, considered adequate, efficient, safe and reasonable service?
- c. How is the Company in compliance of with section 1501 of the PUC code, when the Complainant says that the change to a Smart Meter is not for the accommodation, convenience and safety of the Complainant?

**COMPANY'S OBJECTION:**

*This Discovery Request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding and not reasonably calculated to the discovery of admissible evidence.*

The Company must comply with PA PUC code. The Complainant is asking here important


reasonable and relevant information, as this section of PA PUC code is addressed in the Complainant's Formal Complaint. The Complainant is simply seeking Company's interpretation on their Compliance with this important section of PA PUC Code. Objecting to answer this question is like implying that they are in violation of abiding by the Code here stated. Further, on pages 4 and 28 of the filed Company objections to the Complainant's Interrogatories, the Company states that they object to portions of Interrogatory no. 71. The Complainant cannot determine by their objection, which part the Company agrees to answer and what part they object to, as it is not clearly specified.

19. As stated in the remarks made by Complainant to the Company's Interrogatory objections, the Complainant disagrees with such objections as all the questions asked by Complainant are relevant to the Formal Complaint. The Complainant requests that the Company be directed by the Commission to respond to the Complainant Discovery Requests in full and respectfully requests that the Company's objections be dismissed.

WHEREFORE, the Complainant respectfully requests that the Commission issue an Order compelling the Company to fully and completely respond to the Discovery Requests Nos. 4, 16, 17, 22, 39, 41, 50-52, 54-58, 60-61, 69 and 71.

Dated April 11, 2019

Respectfully submitted,



Conchita M Braun  
1220 Parkside Drive South  
Reading, PA 19611  
(610) 375-3501

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**CONCHITA M BRAUN** :  
v. : **Docket No. C-2018-3003001**  
**METROPOLITAN EDISON COMPANY** :

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**CERTIFICATE OF SERVICE**

I, Conchita M Braun, hereby certify that I have this day, April 11, 2019, served a true copy of the Motion to Compel upon the Company and individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by Certified Mail to:

and First Class Mail to:

Lauren Lepkoski  
Tori L Giesler  
First Energy Service Company/Met Ed  
2800 Pottsville Pike  
P.O. BOX 16001  
Reading, PA 19612-6001

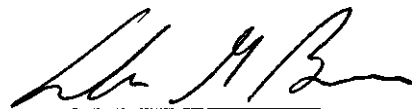
ALJ Jeffrey A Watson  
Pennsylvania Public Utility Commission  
301 5<sup>th</sup> Avenue, Suite 220- Platt Place  
Pittsburgh, PA 15222

**RECEIVED**

APR 11 2019

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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

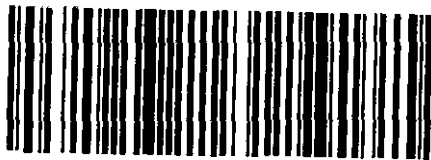


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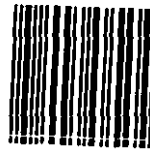
Ms. Conchita M. Braun  
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Rosemary Piavetta  
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