



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

Devin Ryan

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

April 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: Donna Millan v. PPL Electric Utilities Corporation
Docket No. C-2017-2623236

Dear Secretary Chiavetta:

Enclosed for filing is the Motion of PPL Electric Utilities Corporation to Dismiss the Formal Complaint of Donna Millan in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Devin Ryan

DTR/jpf
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 & OVERNIGHT DELIVERY

Donna Millan
289 Shirktown Road
Narvon, PA 17555
E-Mail: donnasaddress@yahoo.com

Date: April 18, 2019



Devin T. Ryan


**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|-------------------------------------|---|---------------------------|
| Donna Millan, | : | |
| | : | |
| Complainant, | : | |
| | : | |
| v. | : | Docket No. C-2017-2623236 |
| | : | |
| PPL Electric Utilities Corporation, | : | |
| | : | |
| Respondent. | : | |

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.371(b), YOU MAY FILE A REPLY TO THE ENCLOSED MOTION TO DISMISS WITHIN FIVE (5) 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
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
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

Date: April 18, 2019

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|-------------------------------------|---|---------------------------|
| Donna Millan, | : | |
| | : | |
| Complainant, | : | |
| | : | |
| v. | : | Docket No. C-2017-2623236 |
| | : | |
| PPL Electric Utilities Corporation, | : | |
| | : | |
| Respondent. | : | |

**MOTION OF PPL ELECTRIC UTILITIES CORPORATION TO
DISMISS THE FORMAL COMPLAINT OF DONNA MILLAN**

TO ADMINISTRATIVE LAW JUDGE ELIZABETH H. BARNES:

Pursuant to 52 Pa. Code §§ 5.371-5.372, PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby files this Motion to Dismiss the Formal Complaint filed by Donna Millan (“Complainant”) in the above-captioned proceeding, due to her failure to comply with the Order Granting Motion to Compel (“Order”) issued by Administrative Law Judge Elizabeth H. Barnes (“ALJ”) on January 19, 2018. In support of its Motion, PPL Electric states as follows:

I. INTRODUCTION

1. On September 7, 2017, PPL Electric was served with the Formal Complaint filed by the Complainant against the Company, which challenged the planned installation of the Company’s new automated metering infrastructure (“AMI”) meter at the service address.
2. On September 27, 2017, PPL Electric timely filed its Answer to the Complaint.
3. On October 25, 2017, a notice was issued scheduling a telephonic evidentiary hearing for February 2, 2018.

4. On November 3, 2017, the ALJ issued a Prehearing Order, which set forth the litigation schedule and other rules for the proceeding.

5. On November 27, 2017, PPL Electric served Interrogatories and Requests for Production of Documents on the Complainant – Set I (“PPL to Complainant Set I”) via first class mail. A true and correct copy of PPL to Complainant Set I is attached hereto as **Appendix A**.

6. Pursuant to the Commission’s regulations, objections to PPL to Complainant Set I were due on or before December 11, 2017, and responses were due on or before December 20, 2017.¹

7. The Complainant never served any objections or responses.

8. On January 11, 2018, PPL Electric filed a Motion to Compel responses to PPL to Complainant Set I.

9. The Complainant never filed an Answer to PPL Electric’s Motion to Compel.

10. On January 19, 2018, the ALJ issued the Order Granting Motion to Compel, which directed the Complainant to provide full responses to PPL to Complainant Set I no later than January 26, 2018. A true and correct copy of the Order Granting Motion to Compel is attached hereto as **Appendix B**.

11. No responses were served by the January 26, 2018 deadline.

12. On February 2, 2018, the evidentiary hearing was held, at which the parties agreed to a 90-day continuance to try to resolve the case.

13. Moreover, at the evidentiary hearing, counsel for PPL Electric raised the issue of the outstanding discovery responses. The Complainant stated that she would “do [her] best” to respond to the discovery. (Tr. 13.)

¹ Because the discovery was served via first-class mail by the United States Postal Service (“USPS”), three days were added to the prescribed period for response. *See* 52 Pa. Code § 1.56(b).

14. On February 15, 2018, the ALJ issued the Second Interim Order memorializing the 90-day stay of proceedings and directing the parties to notify the ALJ on or before May 2, 2018, whether to schedule a further hearing.

15. On June 26, 2018, a further telephonic evidentiary hearing was scheduled for November 2, 2018.

16. Due to medical issues with one of PPL Electric's witnesses, PPL Electric requested that the hearing be rescheduled for the spring of 2019.

17. On October 17, 2018, the ALJ issued the Third Interim Order granting PPL Electric's request to reschedule the hearing. As a result, the hearing was rescheduled for April 25, 2019. The Third Interim Order also directed: (1) the Complainant to serve copies of her exhibits and any written expert testimony by February 21, 2019; and (2) PPL Electric to serve its written testimony and exhibits by March 21, 2019.

18. The Complainant never served any exhibits or written expert testimony.

19. On March 21, 2019, PPL Electric served its written testimony and exhibits pursuant to the Third Interim Order.

20. On April 3, 2019, PPL Electric sent the Complainant a letter requesting that she provide responses to PPL to Complainant Set I no later than April 5, 2019. PPL Electric also stated that if the Complainant failed to do so, the Company would file a motion to dismiss the Complaint. The Company also included copies of PPL to Complainant Set I and the Order Granting Motion to Compel with its letter. A true and correct copy of the Company's April 3, 2019 letter is attached hereto as **Appendix C**.

21. The Complainant never provided responses by April 5, 2019, nor has she provided any responses to date.

22. As of the date of this Motion, it is approximately 15 months after the Order Granting Motion to Compel was issued.

23. Yet, the Complainant still refuses to provide responses to PPL to Complainant Set I.

24. For the reasons explained herein, PPL Electric respectfully requests that the ALJ grant the instant Motion and dismiss the Complainant's Formal Complaint with prejudice, due to his failure to comply with the ALJ's January 19, 2018 Order Granting Motion to Compel and the Commission's regulations.

II. LEGAL STANDARDS

25. Under 52 Pa. Code § 5.321(c), a party is entitled to obtain discovery of any matter not privileged that is relevant to the pending proceeding, or any matter that is reasonably calculated to lead to the discovery of admissible evidence. Discovery is permitted regardless of whether the information sought "relates to the claim or defense of the party seeking discovery or to the claim or defense of another party." *Id.*

26. Answers to written interrogatories must "[a]nswer each interrogatory fully and completely unless an objection is made." *Id.* § 5.342(a)(4).

27. Upon the motion of a party, the presiding office may make an appropriate order for sanctions if a party fails to answer or otherwise respond to a discovery request, or refused to obey an order of the presiding office respecting discovery. *See* 52 Pa. Code § 5.371(a).

28. Among the potential sanctions, the ALJ may enter:

(1) An order that the matters regarding which the questions were asked, the character or description of the thing or land, the contents of the paper, or other designated fact shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order.

(2) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting the party from introducing in evidence designated documents, things or testimony.

(3) An order striking out pleadings or parts thereof, staying further proceedings until the order is obeyed, or entering a judgment against the disobedient party or individual advising the disobedience.

(4) An order with regard to the failure to make discovery as is just.

52 Pa. Code § 5.372(a)(1)-(4) (emphasis added).

III. MOTION TO DISMISS FOR FAILURE TO COMPLY WITH THE ORDER GRANTING MOTION TO COMPEL

29. PPL Electric respectfully requests that the ALJ grant the instant Motion and dismiss the Complainant's Formal Complaint with prejudice, due to his failure to comply with the ALJ's January 19, 2018 Order Granting Motion to Compel.

30. Here, PPL Electric has propounded straightforward requests for the Complainant to provide information that is very relevant to the issues in this proceeding.

31. Question 1 simply asks the Complainant to detail the reasons why she is challenging the AMI meter's installation and to identify, among other things, all health, safety, and privacy concerns she has with the new AMI meter.

32. In Question 2, PPL Electric has asked that the Complainant identify all devices, appliances, and equipment in her home that require electricity or batteries to operate, including cell phones, microwave ovens, walkie talkies, radios, and wireless internet. This inquiry is relevant to whether the Complainant exposes herself to technology that emits higher levels of radio frequency ("RF") fields than the new AMI meter.

33. Relatedly, in Question 3, the Company has requested information regarding the Complainant's cell phone usage and records of such usage. Using this information, PPL Electric could calculate the amount of the Complainant's RF exposure from her cell phone and compare it to the lower amount of RF exposure from the new AMI meter.

34. In Question 4, PPL Electric has asked the Complainant to identify health conditions she alleges will be caused or worsened by the installation of the AMI meter and to provide any medical records of those alleged conditions.

35. In Questions 5 through 7, PPL Electric has asked for basic information about her case, including that she identify any lay witnesses and expert witnesses she plans to call to testify and that she provide copies of her proposed exhibits.

36. By refusing to answer these interrogatories, even after being directed to do so by the ALJ, the Complainant is denying PPL Electric due process and preventing the full and complete development of the evidentiary record.

37. The Complainant's actions demonstrate his disregard of the ALJ's Order Granting Motion to Compel and the Commission's regulations.

38. Importantly, the Commission recently dismissed two smart meter complaints with prejudice due to the complainants' failure to answer discovery in compliance with the presiding administrative law judge's orders granting motions to compel. *See Carol Sojda and Carol Lutzkanin v. Metropolitan Edison Co.*, Docket No. C-2017-2638350, at 7-8 (Jan. 9, 2019), *adopted*, Docket No. C-2017-2638350 (Order entered Mar. 28, 2019); *Kimberly Beckmann v. Metropolitan Edison Co.*, Docket No. C-2017-2613702, at 7-10 (Jan. 31, 2019), *adopted*, Docket No. C-2017-2613702 (Order entered Apr. 11, 2019).

39. Thus, consistent with the Commission's regulations and precedent, PPL Electric respectfully requests that the ALJ grant the instant Motion and dismiss the Complainant's Formal Complaint with prejudice.

IV. CONCLUSION

For the reasons set forth above, PPL Electric Utilities Corporation respectfully requests that Administrative Law Judge Elizabeth H. Barnes grant this Motion and dismiss the Formal Complaint filed by Donna Millan with prejudice.

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
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
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

Date: April 18, 2019

Attorneys for PPL Electric Utilities Corporation

APPENDIX A

Interrogatories and Requests for Production of Documents Propounded by PPL Electric Utilities Corporation on Donna Millan – Set I



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

Devin Ryan

dryan@postschell.com
717-612-6052 Direct
717-731-1985 Direct Fax
File #: 167945

November 27, 2017

VIA REGULAR MAIL

Donna Millan
289 Shirktown Road
Narvon, PA 17555

Re: Donna Millan v. PPL Electric Utilities Corporation
Docket No. C-2017-2623236

Dear Ms. Millan:

Enclosed are the Interrogatories and Requests for Production of Documents Propounded by PPL Electric Utilities Corporation on Donna Millan – 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.

Yours truly,

A handwritten signature in black ink, appearing to be "Devin Ryan", written over a horizontal line.

Devin Ryan

DTR/jl
Enclosures

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

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 FIRST CLASS MAIL

Donna Millan
289 Shirktown Road
Narvon, PA 17555

Date: November 27, 2017



Devin T. Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|-------------------------------------|---|---------------------------|
| Donna Millan, | : | |
| | : | |
| Complainant, | : | |
| | : | |
| v. | : | Docket No. C-2017-2623236 |
| | : | |
| PPL Electric Utilities Corporation, | : | |
| | : | |
| Respondent. | : | |

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED BY
PPL ELECTRIC UTILITIES CORPORATION ON
DONNA MILLAN – SET I**

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 Donna Millan (“Complainant”) – 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 Complainant at Docket No. C-2017-2623236.

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS ON
DONNA MILLAN – 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 devices, appliances, and equipment (with make and model) used in your home that require electricity or batteries to operate, including but not limited to cell phones, microwave ovens, walkie talkies, radios, and wireless internet.

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 fact 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.

APPENDIX B

January 19, 2018 Order Granting Motion to Compel

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|------------------------------------|---|----------------|
| Donna Millan | : | |
| | : | |
| v. | : | C-2017-2623236 |
| | : | |
| PPL Electric Utilities Corporation | : | |

ORDER GRANTING MOTION TO COMPEL

On August 30, 2017, Complainant Donna Millan filed a Formal Complaint against PPL Electric Utilities Corporation (PPL) seeking to prevent installation of a smart meter, at her home, alleging that radiofrequency fields from smart meters have adverse health effects.

PPL served its Set I Interrogatories and Requests for Production of Documents (Set I) upon the Complainant on November 27, 2017. To date, PPL has not received responses to Set I. Complainant did not file objections to Set I.

On January 11, 2018, PPL filed the instant Motion to Compel. Complainant has not filed a response to the Motion.

52 Pa. Code § 5.342(a)(4) provides that a party must answer fully and completely unless an objection is made. This includes the production of documents and information sought through Set I. *See* § 5.341(c). Objections must be served within ten days of service of the interrogatories. § 5.342(e). Complainants did not file objections to Set I.

In Set 1, PPL is seeking information about the types of electric appliances and devices used in the home and regarding the health of the occupants and any health matters about which the Complainants are concerned or that they contend may be affected by the smart meter. Additionally, PPL requests identification of prospective witnesses and the source(s) of information relied upon by the witnesses. PPL seeks the exhibits Complainant intends to use at

C-2017-2623236 - DONNA MILLAN v. PPL ELECTRIC UTILITIES CORP

Revised 1/19/2018

DONNA MILLAN
289 SHIRKTOWN RD
NARVON PA 17555
717.368.2602

DEVIN T RYAN ESQUIRE
17 NORTH 2ND STREET
12TH FLOOR
HARRISBURG PA 17101-1601
717.612.6052
-E-SERVE-

CURTIS S RENNER ESQUIRE
WATSON & RENNER
1101 14TH STREET NW
SUITE 350-ENS
WASHINGTON DC 20005
202.737.6302
-E-SERVE-

APPENDIX C

April 3, 2019 Letter Sent to Donna Millan



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

Devin Ryan

dryan@postschell.com
717-612-6052 Direct
717-731-1985 Direct Fax
File #: 167945

April 3, 2019

***VIA E-MAIL (DONNASADDRESS@YAHOO.COM)
VIA OVERNIGHT DELIVERY***

Donna Millan
289 Shirktown Road
Narvon, PA 17555

**Re: Donna Millan v. PPL Electric Utilities Corporation
Docket No. C-2017-2623236**

Dear Ms. Millan:

Almost a year and a half ago, on November 27, 2017, PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) served its Interrogatories and Requests for Production of Documents – Set I (“PPL to Complainant Set I”). No objections or answers were ever served to PPL to Complainant Set I.

On January 11, 2018, PPL Electric filed a Motion to Compel responses to PPL to Complainant Set I. On January 19, 2018, Administrative Law Judge Elizabeth H. Barnes (“ALJ”) issued an Order granting PPL Electric’s Motion to Compel and directing you to provide responses no later than January 26, 2018.

No answers to PPL to Complainant Set I have ever been provided to the Company, which is in direct violation of the ALJ’s January 19, 2018 Order.

Please be advised that if answers are not received by 3:00 PM on April 5, 2019, PPL Electric will file a Motion to Dismiss the Formal Complaint as an appropriate sanction for your failure to abide by the Pennsylvania Public Utility Commission’s discovery regulations and the ALJ’s January 19, 2018 Order.

For your reference, a copy of PPL to Complainant Set I is enclosed as **Attachment A**, and a copy of the ALJ’s January 19, 2018 Order is enclosed as **Attachment B**.

Donna Millan
April 3, 2019
Page 2

Sincerely,

A handwritten signature in blue ink, appearing to be 'DR', with a long horizontal line extending to the left and several loops and strokes to the right.

Devin Ryan

DTR/jpf
Attachments

ATTACHMENT "A"



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

Devin Ryan

dryan@postschell.com
717-612-6052 Direct
717-731-1985 Direct Fax
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November 27, 2017

VIA REGULAR MAIL

Donna Millan
289 Shirktown Road
Narvon, PA 17555

Re: **Donna Millan v. PPL Electric Utilities Corporation**
Docket No. C-2017-2623236

Dear Ms. Millan:

Enclosed are the Interrogatories and Requests for Production of Documents Propounded by PPL Electric Utilities Corporation on Donna Millan – 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.

Yours truly,



Devin Ryan

DTR/jl
Enclosures

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

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 FIRST CLASS MAIL

Donna Millan
289 Shirktown Road
Narvon, PA 17555

Date: November 27, 2017



Devin T. Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|-------------------------------------|---|---------------------------|
| Donna Millan, | : | |
| | : | |
| Complainant, | : | |
| | : | |
| v. | : | Docket No. C-2017-2623236 |
| | : | |
| PPL Electric Utilities Corporation, | : | |
| | : | |
| Respondent. | : | |

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED BY
PPL ELECTRIC UTILITIES CORPORATION ON
DONNA MILLAN – SET I**

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 Donna Millan (“Complainant”) – 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 Complainant at Docket No. C-2017-2623236.

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS ON
DONNA MILLAN – 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 devices, appliances, and equipment (with make and model) used in your home that require electricity or batteries to operate, including but not limited to cell phones, microwave ovens, walkie talkies, radios, and wireless internet.

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 fact 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.

ATTACHMENT "B"

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|------------------------------------|---|----------------|
| Donna Millan | : | |
| | : | |
| v. | : | C-2017-2623236 |
| | : | |
| PPL Electric Utilities Corporation | : | |

ORDER GRANTING MOTION TO COMPEL

On August 30, 2017, Complainant Donna Millan filed a Formal Complaint against PPL Electric Utilities Corporation (PPL) seeking to prevent installation of a smart meter, at her home, alleging that radiofrequency fields from smart meters have adverse health effects.

PPL served its Set I Interrogatories and Requests for Production of Documents (Set I) upon the Complainant on November 27, 2017. To date, PPL has not received responses to Set I. Complainant did not file objections to Set I.

On January 11, 2018, PPL filed the instant Motion to Compel. Complainant has not filed a response to the Motion.

52 Pa. Code § 5.342(a)(4) provides that a party must answer fully and completely unless an objection is made. This includes the production of documents and information sought through Set I. *See* § 5.341(c). Objections must be served within ten days of service of the interrogatories. § 5.342(e). Complainants did not file objections to Set I.

In Set I, PPL is seeking information about the types of electric appliances and devices used in the home and regarding the health of the occupants and any health matters about which the Complainants are concerned or that they contend may be affected by the smart meter. Additionally, PPL requests identification of prospective witnesses and the source(s) of information relied upon by the witnesses. PPL seeks the exhibits Complainant intends to use at

C-2017-2623236 - DONNA MILLAN v. PPL ELECTRIC UTILITIES CORP

Revised 1/19/2018

DONNA MILLAN
289 SHIRKTOWN RD
NARVON PA 17555
717.368.2602

DEVIN T RYAN ESQUIRE
17 NORTH 2ND STREET
12TH FLOOR
HARRISBURG PA 17101-1601
717.612.6052
-E-SERVE-

CURTIS S RENNER ESQUIRE
WATSON & RENNER
1101 14TH STREET NW
SUITE 350-ENS
WASHINGTON DC 20005
202.737.6302
-E-SERVE-

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF DAUPHIN) SS:

DEVIN T. RYAN, being duly sworn according to law, deposes and states that he is Counsel to PPL Electric Utilities Corporation and that in this capacity, he is authorized to and does make this affidavit for them, and that the facts set forth in the foregoing Answer are true and correct to the best of his knowledge, information and belief.



Devin T. Ryan, Esquire

Signed and sworn to before me on

April 18, 2019, by

Devin T. Ryan making statement.



Notary Public

My commission expires 01/25/2022.

(SEAL)

