

April 15, 2019  
Rosemary Chiavetta

Dorene Dougherty vs.  
Pennsylvania Elect Co

C-2018-3001474

Attached are the wet signature documents that you wanted by March 31. Obviously that did not happen. Doene has severe disabilities and tries to comply with requests in a timely manner, but must rely on others to receive and send mail, which to say the least has not been too dependable.



Eldon Kibler

cc: Jeffery A watson  
Lauren M. Lepkoski

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2019 APR 19 AM 10:16  
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APR 19 2019

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**DORENE DOUGHERTY**

vs.

**PENNSYLVANIA ELECTRIC  
COMPANY**

**Docket No. C-2018-3001474**

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~~PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU~~

**OBJECTION AND RESPONSE TO MOTION OF PENNSYLVANIA ELECTRIC  
COMPANY TO DISMISS COMPLAINT OF DORENE DOUGHERTY FOR  
FAILURE TO COMPLY WITH ORDER**

**Comes now Complainant, Dorene Dougherty, and hereby submits her Objection and Response to the Motion Of Pennsylvania Electric Company To Dismiss Complaint Of Dorene Dougherty For Failure To Comply With Order and urges this Administrative Law Court to deny this motion in its entirety for the following reasons:**

1. **Complainant, Dorene Dougherty, did not receive Pennsylvania Electric Company's "Notice to Plead/Motion to dismiss," ( which included a impossible request to respond within 5 days, dated February 13, 2019 ) until March 5, 2019, despite the fact that Complainant specifically requested, in writing, on or about September 19, 2018, that Lauren M. Lepkoski, Esq. and the Pennsylvania Public Utility Commission send copies of any papers they file to my designated contact,**

Eldon Kibler, which Lauren M. Lepkoski or her associates did not do. This is an ongoing situation in which the attorneys for Pennsylvania Electric Company are ignoring Complainant's written requests and clearly are acting outside of the rules of Professional Conduct to cause undue delay and to deny Complainant her procedural Due Process Rights. Complainant has been extremely ill these past months suffering from the related effects of Chemical and primarily Electrohypersensitivity ( EHS), professionally diagnosed in 2002, and unable to timely get her mail.

2. Furthermore, Pennsylvania Electric Company's motion is frivolous and excessive; wasting the court's limited resources and appears to be aimed at intimidating and upsetting complainant. Complainant answered all interrogatories to the best of her abilities. Complainant does not need a pre-hearing conference on this matter.
3. Complainant points out that she is not an attorney yet she is having to defend her rights against highly paid and aggressive attorneys who have a vested interest in shutting her case down and who are doing everything possible to deny her the procedural Due Process Rights she is owed under law, thereby harming Complainant.
4. Pennsylvania Electric Company has unlimited resources at their disposal which Complainant does not have and could never afford to have. They not only have an unfair advantage over Complainant, Dorene Dougherty, but are clearly using that

advantage to prejudice and mislead the commission as to Material Facts in this instant matter.

5. Complainant believes that Pennsylvania Electric Company's Motion is clearly baseless and misleading is being used to harass Complainant. There is absolutely no evidence before the Commission that Complainant failed to answer the interrogatories. As such, she believes this motion may constitute an abuse of process, if not a form of "*Barratry*," Defined in Black's Law as:

6. "BARRATRY.

In criminal law. Also spelled "Barrietry." offense of frequently exciting and stirring up quarrels and suits, either at law or otherwise. 4 Bla.Com. 134; State v. Batson, 220 N.C. 411, 17 S.E.2d 511, 512, 513.

"Common barratry is the practice of exciting groundless judicial proceedings. Pen.Code Cal. § 158; Lucas v. Pico, 55 Cal. 128; Corn. v. McCulloch, 15 Mass. 229; Ex parte McCloskey, 82 Tex.Cr.R. 531, 199 S.W. 1101, 1102."

7. Complainant answered all interrogatories to the best of her abilities and included the sworn Affidavit of her Physician, Dr. Gunnar Heuser, MD, one of the world's leading experts on ELECTRO-HYPERSENSITIVITY, dated January 18, 2019. She further included Dr. Heuser's seven-page Curriculum Vitae (C.V.) with Dr. Heuser's sworn Affidavit.
8. Dr. Heuser's sworn Affidavit clearly outlines Complainant's medical condition and diagnosis.

9. Complainant does not understand how she can be forced to answer confusing and incoherent questions that she does not understand and that are irrational and/or inappropriate.

10. The Commission's regulations only permit the discovery of "*any matter, not privileged, which is relevant to the subject matter involved in the pending action.*" 52 Pa. Code § 5.321(c).

11. Complainant points out that the repeated interrogatory request for her personal medical records is inappropriate as the courts have held that the HIPPA Privacy Act protects against improper oral disclosures."; Jacobs v. Nat'l Drug Intelligence Ctr., 423 F.3d 512, 517-19 (5th Cir. 2005) from any source.

12. Complainant further points out that this is privileged information the attorneys are seeking, not subject to interrogatory request, and that she has no assurances of any kind that such private medical records would not be abused, shared, disseminated or made public by attorneys for Pennsylvania Electric Company who have proven to be far less than candid and forthright in this matter.

13. Pennsylvania Electric Company has intentionally failed to offer to sign any *non-disclosure* statements pertaining to her medical records and have displayed a total lack of consideration for Complainant's rights.

14. The allegations that Complainant has failed to answer the interrogatories to the best of her ability is a matter of opinion, not fact. No facts have been placed in evidence by attorneys for Pennsylvania Electric Company that Complainant failed to answer the interrogatories.

15. Pennsylvania Electric Company's attorney interrogatory #20 which states,

*"Please provide copies of all documentation associated with visits by members of your household to a medical professional related to the health conditions identified in question \_ , including but not limited to any and all medical records, medical visit reports, and notes and letters from medical doctors or other health care professionals."* would clearly create such a time-consuming burden and expense on complainant that she could not lawfully fulfill such a request if given a year to do so, and we don't even know to which question this interrogatory is directed ??? How is such a request even remotely understandable, let alone reasonable?

16. It is a fact that Complainant is not required to provide any privileged information, especially privileged information concerning other people, to Pennsylvania Electric Company and the attorneys know this very well. See § 333(d):

*"Interrogatories.—Any party to a proceeding may serve written interrogatories upon any other party for purposes of discovering relevant, unprivileged information."*

17. In Pennsylvania Electric Company's Motion to dismiss they state under ¶ 20:  
*"The information sought here by the Company is relatively simple and straightforward. It is directly relevant and material to the issues raised by the Complainant."* This statement is clearly intentionally false and misleading to prejudice the commission!
18. Complainant found many of the questions in the interrogatories to be so voluminous and unfocused, confusing, ambiguous, vague and unintelligible to the point that complainant was left unsure how to answer them or what it was that the attorneys were trying to accomplish.
19. If the attorneys for Pennsylvania Electric Company are dissatisfied with the answers provided to them they can rephrase their interrogatories in understandably clear plain English that Complainant can make sense of.
20. It is self-evident that the attorneys for Pennsylvania Electric Company are using these interrogatories, not for information purposes, but to harass, intimidate and burden Complainant into not being able to answer them.
21. Complainant furthermore believes that attorneys for Pennsylvania Electric Company may be *"Engaged in unethical, contemptuous or improper conduct before the Commission"* pursuant to Public Utility Code, 66 Pa.C.S. §1.27(a)(3), because filing this action was done with the intent to harass Complainant and deny her rights before the law.

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**WHEREFORE**, Complainant, Dorene Dougherty, asks that the Administrative Court deny Pennsylvania Electric Company's motion to dismiss as frivolous, instruct the Attorneys for Pennsylvania Electric Company to honor Complainant's written request that they copy Eldon Kibler, her designated contact, all submissions filed with the Commission pertaining to this case.

**CERTIFICATION**

**I HEREBY CERTIFY THAT THE FOREGOING STATEMENTS MADE BY ME ARE TRUE. I AM AWARE THAT IF ANY OF THE STATEMENTS MADE BY ME ARE WILFULLY FALSE I AM SUBJECT TO PUNISHMENT**

Submitted by,

*Dorene Dougherty*  
*Dorene Dougherty*

Dated March 16, 2019

Dorene Dougherty  
15 Margrow Road  
Tunkhannock, PA 18657

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PENNSYLVANIA PUBLIC UTILITY COMMISSION

DORENE DOUGHERTY

Docket No. C-2018-3001474

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CERTIFICATION OF SERVICE

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

I hereby certify that I have served a true copy of "Objection And Response To Motion Of Pennsylvania Electric Company To Dismiss Complaint Of Dorene Dougherty for Failure To Comply With Order" USPS To the following:

Rosemary Chiavetta, Secretary,  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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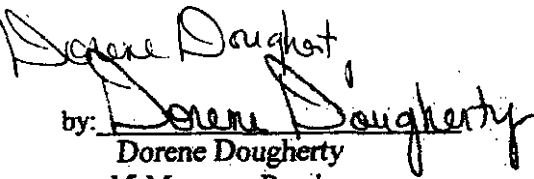
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Administrative Law Judge Jeffrey A. Watson  
Pennsylvania Public Utility Commission  
Piatt Place, Suite 220  
301 5<sup>th</sup> avenue  
Pittsburg, Pa 15222

Lauren M. Lepkoski  
Tori L. Giesler  
FirstEnergy Service Company  
2800 Pottsville Pike  
P.O. Box 16001  
Reading, Pennsylvania 19612-6001

Dated: March 6, 2019

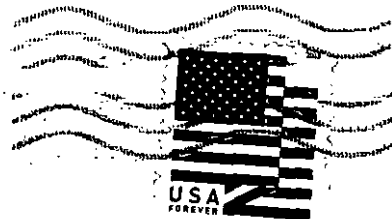
by:   
Dorene Dougherty  
15 Margrow Road  
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Eldon Kibler  
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HARRISBURG PA 171

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