

April 30, 2019

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Keystone Bldg. 2nd Floor W
400 N. Street
Harrisburg, PA 17120

RE: Michal Bruce v. Duquesne Light Company
Docket No. C-2018-3005754

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Reply to Complainant's Response in Opposition to Respondent's Motion to Compel Discovery Responses.

A copy of this document has been served upon Complainant in accordance with Commission regulations.

Sincerely,



Paul Shane Miller
Attorney for Duquesne Light Company

Jeremy V. Farrell
Attorney for Duquesne Light Company

Enclosure

c: Michal Bruce (with enclosure)
ALJ Jeffrey Watson (with enclosure)

TADMS:5137034-1 014657-158498

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHAL BRUCE,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2018-3005754

**REPLY TO COMPLAINANT'S RESPONSE
IN OPPOSITION TO RESPONDENT'S
MOTION TO COMPEL DISCOVERY
RESPONSES**

Filed on behalf of Respondent
Duquesne Light Company

Counsel of Record for this Party:

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Counsel for Respondent

**REPLY TO COMPLAINANT'S RESPONSE IN OPPOSITION TO RESPONDENT'S MOTION
TO COMPEL DISCOVERY RESPONSES**

Duquesne Light Company ("Duquesne Light") files this Reply to Complainant's Response in Opposition to Respondent's Motion to Compel Discovery Responses:

1. In Complainant's Response in Opposition to Respondent's Motion to Compel Discovery Responses, Complainant asserts that he should not be ordered to provide complete responses to Discovery Request Nos. 13¹ and 16² because (i) he has no "smart" technology in his home, and (ii) he takes measures to reduce his exposure to cell phone radiation, and usage records do not accurately reflect his radiofrequency exposure. Complainant's Response in Opposition to Respondent's Motion to Compel Discovery Responses, pp. 1-2.

2. Complainant should be ordered to provide complete responses to Discovery Request Nos. 13 and 16 even if these arguments are accepted as true. The information sought in Discovery Request Nos. 13 and 16 are highly relevant because Duquesne Light has a right to know if other sources of radiofrequency radiation could cause Complainant's alleged health problems (rather than Duquesne Light's smart meters, which have already been approved by the Pennsylvania Public Utility Commission). Complainant's assertion that he takes measures to reduce his exposure to cell phone radiation and that usage records do not accurately reflect his radiofrequency exposure may go to the *weight* of the evidence provided in Complainant's discovery responses, but does not change the *relevance* of the information itself. Relevant information must be disclosed in discovery. See 52 Pa. Code § 5.321(c) (A party may obtain

¹ Discovery Request No. 13 states: "Identify the type (with make and model) of all devices, appliances, and equipment used in Your home or by You that produce radiofrequency or low frequency fields, including, but not limited to, cell phones, microwave ovens, wireless internet, and WI-FI routers."

² Discovery Request No. 16 states: "For each cell phone identified in response to Request No. 13, produce the last six months of bills or other usage records for the phone with sufficient detail to show Your actual usage for that period."

discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action).

3. Moreover, even if Complainant takes measures to reduce his exposure to cell phone radiation, he still must respond to Discovery Request No. 13 because this request is not limited to Complainant's cell phone; rather, it asks him to identify "all devices, appliances, and equipment" used in his home or by Complainant that produce radiofrequency or low frequency fields. So even if Complainant tries to reduce radiofrequency exposure while using a cell phone, Duquesne Light's discovery request is much broader and requires a response.

WHEREFORE, Duquesne Light Company respectfully requests that the Commission grant its Motion to Compel Discovery Responses and require Complainant Michal Bruce to provide complete answers to Discovery Requests Nos. 13 and 16 within 10 days from the date of the order.

Respectfully submitted,

TUCKER ARENSBERG, P.C.


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Duquesne Light Company

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MICHAL BRUCE,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2018-3005754

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participant listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

Michal Bruce
167 Holt Road
Aliquippa, PA 15001

Administrative Law Judge Jeffrey Watson
Pennsylvania Public Utility Commission
Piatt Place - 301 Fifth Avenue
Suite 220
Pittsburgh, PA 15222

Dated this 30th day of April, 2019



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