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May 17, 2019

VIA E-FILING

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

RE: Eugene J. Bazan v. West Penn Power Company Docket No. C-2017-2640338
**LETTER IN RESPONSE TO INTERIM ORDER DENYING MOTION TO COMPEL OF
EUGENE J. BAZAN**

Dear Secretary Chiavetta:

I am copying you on my filing with ALJ Jeffrey Watson of my **LETTER IN RESPONSE TO
INTERIM ORDER DENYING MOTION TO COMPEL OF EUGENE J. BAZAN**, dated May 17,
2019.

Sincerely,

A handwritten signature in cursive script that reads "Eugene J. Bazan".

Eugene J. Bazan
Complainant

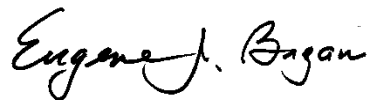
CERTIFICATE OF SERVICE

I certify that I have this day sent a letter dated May 17, 2019 to ALJ Jeffrey Watson containing my **LETTER IN RESPONSE TO INTERIM ORDER DENYING MOTION TO COMPEL OF EUGENE J. BAZAN.**

Service via E-Filing to the person listed below:

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

Dated May 17, 2019



Eugene J. Bazan
PO Box 24
Lemont, PA 16851
Docket No. C-2017-2640338

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITIES COMMISSION**

EUGENE J. BAZAN	:	
	:	
Complainant	:	C-2017-2640338 :
	:	
Vs	:	
	:	
FIRST ENERGY/WEST PENN POWER	:	
	:	
Respondent	:	
	:	

**LETTER IN RESPONSE TO INTERIM ORDER
DENYING MOTION TO COMPEL OF EUGENE J. BAZAN**

TO THE HONORABLE ALJ Jeffrey A. Watson:

Background

On March 25, 2019 Complainant Eugene J. Bazan submitted to West Penn Power (WPP) Interrogatory Set 6

On April 4, WPP objected to these interrogatories.

On April 11, we submitted to you our Motion to Compel Discovery on this set of Interrogatories Set 6, with copies to WPP and the PUC.

On April 16 WPP submitted to us and you by email their Answer to our Motion to Compel, with copy to the PUC.

On April 18 we submitted our Response to Answer of WPP to our Motion to Compel.

On May 13 you, Judge Watson, submitted your Interim Order Denying our Motion to Compel.

Requests

In this **Letter in Response to Interim Order Denying Motion to Compel of Eugene J. Bazan**, we raise questions for which we request your answers:

1. In your Interim Order denying our motion to compel, you did not list our Response to Answer of WPP to our Motion to Compel, wherein we analyzed WPP's Answer as being without the grounds it asserted. Was this omission of our Response a mere oversight or did you not have our Response in hand?

2. You go on to write, “Based upon a review of the subject discovery requests and the objections presented by Respondent, I will find ...” This absence of acknowledgment of our Response again leaves us with the impression that you did not have our Response in hand when you came to your decision. Was this the case?
3. Continuing with the rest of the sentence quoted above, “I will find that the Commission regulations prohibit discovery of a party’s legal research or legal theories in anticipation of litigation.” We find this wording confusing. We thought we already were in litigation, as stated in your Interim Order Establishing Initial Litigation Schedule of December 27, 2018. What, therefore, do you mean by writing “in anticipation of litigation”?
4. Does “in anticipation of litigation” refer to the hearing? If the answer is “yes,” does your sentence mean that while we cannot discover WPP’s “legal research or legal theories” before the hearing, we can do so at the hearing?
5. Since we maintain that WPP is not following the law, and WPP maintains that it is, our interrogatories cite material in the public domain that is necessary to review to determine wherein lies the point of contention resulting in our present dispute. This process does not involve "legal research or legal theories" to the best of our understanding. How are you defining "legal research and legal theories" in this context?
6. How do our questions violate "attorney-client privilege"?

We respectfully request that you answer our questions.

We are copying WPP and E-filing with the PUC.

Respectfully Yours,



Eugene J. Bazan
PO Box 24
Lemont, PA 16851

May 17, 2019