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June 17, 2019

VIA ELECTRONIC FILING

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

Re: Michael T. Jennings v. West Penn Power Company
Docket No. C-2018-3006031

Dear Secretary Chiavetta:

Enclosed please find West Penn Power Company's Answer to the Motion to Compel of Michael T. Jennings with regard to the above-captioned matter.

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

Very truly yours,



Tori L. Giesler

kbw
Enclosures

c: As Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL T. JENNINGS

v.

WEST PENN POWER COMPANY

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Docket No. C-2018-3006031

**ANSWER OF WEST PENN POWER COMPANY TO THE MOTION TO COMPEL OF
MICHEAL T. JENNINGS**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code § 5.342(g), West Penn Power Company (“West Penn” or the “Company”) files this Answer in response to the Motion to Compel of Michael T. Jennings (“Complainant”) dated June 12, 2019 (“Discovery Requests”). The Company avers as follows:

I. Background

1. The Complainant filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission”) regarding 200 Brook Hollow Road, Mount Pleasant, Pennsylvania 15666 (“Service Location”) which was served on the Company on November 15, 2018.

2. On December 5, 2018, the Company filed its Answer and New Matter denying the material allegations. On the same day, the Company also filed Preliminary Objections to the Formal Complaint.

3. On December 15, 2018, the Complainant filed a response to the Company’s Preliminary Objections and on December 17, 2018, the Complainant filed a response to the Company’s Answer and New Matter.

4. On January 3, 2019, a Motion Judge Assignment Notice was issued and Administrative Law Judge (“ALJ”) Jeffrey A. Watson was assigned as the Presiding Officer in the above-captioned proceeding.

5. On January 25, 2019, ALJ Watson issued an Interim Order which denied the preliminary objections.

6. Also on January 25, 2019, an Interim Order Establishing Initial Litigation Schedule was issued which set forth the schedule for discovery, the identification of witnesses, and filing of motions in this proceeding. Further, an Interim Order scheduling a prehearing conference for February 19, 2019, was also issued.

7. On January 28, 2019, a Call-In Telephone Prehearing Conference Notice was issued.

8. Also on January 28, 2019, the Complainant submitted a letter requesting to cancel the prehearing conference stating that it would be a burden to have to prepare for multiple proceedings.

9. On February 12, 2019, an Interim Order cancelling the prehearing conference was issued. That same day, an Interim Order revising the litigation schedule was issued.

10. On February 12, 2019, in accordance with 52 Pa. Code § 5.341, the Company issued to the Complainant interrogatories and document requests (“Company’s Discovery Requests”) via first class mail. In its Discovery Requests, the Company sought information and documents related to the Complainant’s allegations regarding the Company’s smart meters.

11. On February 13, 2019, a Cancellation Notice for the prehearing conference was issued.

12. By letter dated March 2, 2019, the Complainant responded to the Company’s Discovery Requests.

13. By letter dated March 8, 2019, the Complainant issued Complainant’s Set I Discovery Requests to the Company.

14. On March 25, 2019, the Company filed objections to specific questions contained in Complainant's Set I Discovery Requests.

15. On March 29, 2019, in accordance with the Interim Order Establishing a Litigation Schedule, the Company provided notice and summaries of testimony for its factual and expert witnesses.

16. On April 1, 2019, in accordance with the Interim Order Establishing a Litigation Schedule, the Complainant provided notice and summaries of testimony for his factual and expert witnesses.

17. On April 3, 2019, the Complainant filed a Motion to Dismiss the Company's objections to the Complainant's Set I Discovery Requests.

18. On April 3, 2019, the Company responded to the Complainant's Set I Discovery Requests.

19. By letter dated May 10, 2019, the Complainant issued Complainant's Set II Discovery Requests to the Company. *See* Attachment A.

20. On May 23, 2019, the Company filed objections to specific questions contained in Complainant's Set II Discovery Requests.¹ *See* Attachment B.

21. On June 12, 2019, the Complainant filed his Motion to Compel. *See* Attachment C.

II. Answer

22. The Complainant's Set II Discovery Requests seek information or documents that are wholly objectionable. Specifically, No. 2 of the Complainant's Set II Discovery Requests

¹ On June 13, 2019, Counsel for the Company and Ms. Jennings spoke *via* telephone. During this conversation, Counsel became aware that the Complainant did not receive the Company's objections to Set II. On June 14, 2019 the Company re-sent a copy of its objections to the Complainant.

seeks information related to customers who are not parties to this proceeding, which is improper and wholly irrelevant to this proceeding; No. 3 of the Complainant's Set II Discovery Requests seeks information from another state and company other than West Penn, over which the Commission does not have jurisdiction, and which is not a party to this proceeding, therefore its operations are wholly irrelevant to this proceeding; Nos. 20-29 of the Complainant's Set II Discovery Requests seek information relative to the Company and the Commission's compliance with the Americans with Disabilities Act, which is outside the Commission's jurisdiction and thus wholly irrelevant to this proceeding; and Nos. 35-36 of the Complainant's Set II Discovery Requests, which seek information regarding the Commission's funding, which information is also wholly irrelevant to this proceeding

23. As explained in the Company's objections as well in the Company's Answer to the Complainant's Motion to Compel, Nos. 2-3, 20-29, and 35-36 of the Complainant's Set II Discovery Requests are improper and are not relevant to the Complainant's Formal Complaint filed in this instant proceeding. Therefore, the Complainant's Motion to Compel should be denied.

III. Conclusion

WHEREFORE, for the foregoing reasons, the Complainant's Motion to Compel should be denied.

Respectfully submitted,

Dated: June 17, 2019



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MICHAEL T. JENNINGS

v.

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of West Penn Power Company's Answer to the Motion to Compel of Michael T. Jennings upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by First Class Mail, postage prepaid, as follows:

Michael T. Jennings
200 Brook Hollow Road
Mount Pleasant, PA 15666

Administrative Law Judge Jeffrey A. Watson
Pennsylvania Public Utility Commission
301 5th Avenue, Suite 220
Pittsburgh, PA 15222

Dated: June 17, 2019



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