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June 25, 2019

VIA ELECTRONIC FILING

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

Re: Larry R. Kramer and Ellen M. Kramer v. Metropolitan Edison Company
Docket No. C-2017-2630621

Dear Secretary Chiavetta:

Enclosed please find the response of Metropolitan Edison Company to the Motion to Compel of Larry R. Kramer and Ellen M. Kramer 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**

**LARRY R. KRAMER AND
ELLEN M. KRAMER**

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Docket No. C-2017-2630621

v.

METROPOLITAN EDISON COMPANY

**RESPONSE OF METROPOLITAN EDISON COMPANY TO THE COMPLAINANTS'
MOTION TO COMPEL RESPONSES TO INTERROGATORIES AND DOCUMENT
REQUESTS**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Metropolitan Edison Company (“Met-Ed” or the “Company”) by and through its attorneys, Lauren M. Lepkoski and Tori L. Giesler, and pursuant to 52 Pa. Code §§ 5.371-5.372, hereby files this response of Metropolitan Edison Company to the Second Motion to Compel of Larry R. Kramer and Ellen M. Kramer.

I. Background

1. On October 24, 2017, the Complainants filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission”) regarding 101 South College Street, Myerstown, Pennsylvania 17067 (the “Service Location”).

2. On November 13, 2017, the Company filed its Answer and New Matter denying the material allegations as well as Preliminary Objections.

3. On November 30, 2017, the Complainants filed a reply to the Company’s Answer and New Matter.

4. On November 30, 2017, the Complainants also filed an Amended Formal Complaint which was served on the Company via first class mail.

5. On December 6, 2017, a motion judge assignment notice was issued assigning this matter to Administrative Law Judge Jeffrey A. Watson (“ALJ Watson”) for disposition.

6. On December 26, 2017, an Interim Order was issued by ALJ Watson denying the Company’s Preliminary Objections.

7. On January 10, 2018, the Complainants filed a reply to the Company’s Answer and New Matter to the Complainants’ Amended Formal Complaint.

8. On January 23, 2018 in accordance with 52 Pa. Code § 5.341, the Company forwarded to the Complainants interrogatories and document requests via first class mail.

9. On February 3, 2018, the Complainants mailed objections to all of the Company’s interrogatories and document requests.

10. On June 14, 2018, the Company filed a Motion to Compel responses to the Company’s discovery requests issued on January 23, 2018.

11. On August 30, 2018, ALJ Watson issued an Interim Order granting the Company’s Motion to Compel and ordering the Complainants to provide full, complete objections and/or responses to the Company’s Discovery Requests on or before September 14, 2018.

12. In a letter dated September 13, 2018, Complainants responded to the Interim Order and essentially restated their prior objections, which were already rejected in the ALJ’s Interim Order granting the Company’s Motion to Compel.

13. Given the Complainants’ failure to respond to the Company’s discovery requests and ALJ Watson’s order compelling the same, the Company filed a Motion to Dismiss the Formal Complaint in this matter on October 30, 2018.

14. On December 17, 2018, the Company received Complainants’ Set I Interrogatories and Requests for Production of Documents (“Set I Discovery Requests”).

15. On December 26, 2018, the Company filed its objections to the Set I Discovery Requests.

16. On January 22, the Complainants filed their Motion to Compel related to these objections.

17. On February 6, 2019, an Interim Order was entered denying the Company's Motion to Dismiss, without prejudice.

18. Also on February 6, 2019, an Interim Order was entered denying the Complainants' Motion to Compel.

19. On February 16, 2019, the Complainants served their Set II Interrogatories and Request for Production of Documents ("Set II Discovery Requests").

20. On March 1, 2019, the Company filed its objections to Interrogatory Number 62 of the Set II Discovery Requests.

21. On March 9, 2019, the Complainants filed their Motion to Compel related to Interrogatory No. 62, which was received by the Company on March 13, 2019.

22. On March 18, 2019, the Company served its responses to all of the Set II Discovery Requests, with the exception of the one disputed item, Interrogatory No. 62. That same day, the Company also filed its response to the Complainants' Motion to Compel.

23. On April 4, 2019, an Interim Order was entered which denied the Motion to Compel of the Complainants' regarding Set II Discovery Requests.

24. On April 4, 2019, the Complainants served their Set III Interrogatories and Request for Production of Documents ("Set III Discovery Requests").

25. On April 29, 2019, the Company requested a short extension to provide complete responses to Set III Discovery Requests from the Complainants to which the Complainants agreed.

26. On May 7, 2019, the Company served its responses to all of the Set III Discovery Requests.

27. On May 13, 2019, the Company filed a status report and, on May 20, 2019, the Complainants submitted a status report in accordance with the Interim Order entered October 15, 2019.

28. On May 25, 2019, the Complainants served their Set IV Interrogatories and Request for Production of Documents (“Set IV Discovery Requests”).

29. On June 6, 2019, the Company filed its objections to Interrogatory Numbers 1, 6-7, 15-17, 26-29, 36-37, 39, 41-42, 44 and 46 of the Set IV Discovery Requests, which objections are enclosed as Attachment A.

30. On June 17, 2019, the Complainants filed their Motion to Compel all responses related to the Set IV Discovery Requests, with specific arguments related to those objections raised by the Company (i.e., related to Interrogatory Nos. 1, 6-7, 15-17, 26-29, 36-37, 39, 41-42, 44 and 46), which was received by the Company on June 24, 2019.

31. Also on June 17, 2019, the Company served its responses to all of the Set IV Discovery Requests, with the exception of the items objected to on June 6, 2019 (i.e., Interrogatory Nos. 1, 6-7, 15-17, 26-29, 36-37, 39, 41-42, 44 and 46).

II. Answer

32. As noted by the Complainants, the Set IV Discovery Requests were issued on May 25, 2019 via certified mail. The Commission’s regulations at Section 5.342 require that objections be served within ten days of service, and responses served within twenty days of service. This would ordinarily require the Company to object by June 4 and respond by June 14. However, the Commission’s regulations at Section 1.56(b) also provide that where service is effectuated via first

class mail (which includes certified mail), the computation of time will allow for the addition of three days to all timelines to account for the postal service delay, typically referred to as the “Mailbox Rule”. Therefore, the Company’s objections were not due until June 7, and responses due June 17.

33. Given these deadlines, it should be noted that as it relates to those portions of the Set IV Discovery Requests that the Company did not object to and which the Complainants seek to compel (*see* Motion, paragraph 69), the Motion was premature. Responses were not due from the Company until June 17, 2019. In fact, the Company did respond to all questions which were objected to, and therefore the Motion should be dismissed as moot as to those questions.

34. Furthermore, the Complainants argue at paragraph 65 of the Motion that the Company should be compelled to respond to the objected-to requests on the basis that they are untimely. The Complainants go on to note at paragraph 70 of the Motion that the Company is “taking up the Complainants’ time with needless filings” and that the Company “should know better and not be on record filing documents late and not following legal requirements of Discovery.” Apart from the irony that the Complainants would make such an argument given that they didn’t answer ANY questions posed by the Company until the Company was forced to file a motion to dismiss their case for their total failure to respond, this argument is simply wrong. First, objections are not “needless filings”. It is in fact the Company’s legal right to raise such objections, where appropriate, as outlined under Section 5.342 of the Commission’s regulations. Indeed, the Company has seen the very same objections to nearly identical questions upheld when raised in numerous other proceedings.¹ Furthermore, the Company has not filed anything late here. To the

¹ See, e.g., *Eugene J. Bazan v. West Penn Power Company*; Docket No. C-2017-2640338, *Conchita M. Braun v. Metropolitan Edison Company*; Docket No. C-2018-3003001, and *Lynn Force v. West Penn Power Company*; Docket No. C-2017-2634987,

contrary, the Company's objections were served a day early. The Complainants' implicit suggestion that the Company has been stonewalling them for information is completely belied by the fact that we are now addressing their fourth set of voluminous discovery issued to the Company – most of which the Company has responded to (whereas the Company has only issued one set to the Complainants).

35. Interrogatory Nos. 1, 6-7, 15-17, 26-29, 36-37, 39, 41-42, 44 and 46 of the Discovery Requests are improper and objectionable to the extent that they seek information or documents that are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and fall outside the scope of this proceeding.

36. Related to the Discovery Requests to which the Company raised specific objections that the Motion seeks to compel, those Discovery Requests seek the following:

1. Re Surge Assist Protection Plan
 - (a) When did Met-Ed and/or First Energy decide to offer the Surge Assist Protection Plan to customers?
 - (b) What was the reasoning for offering Surge Assist to customers?
 - (c) What need is this filling for customers?
 - (d) Please submit copies of all correspondence, memos, emails, and other documentation showing the decision-making process including the determination process of the needs and/or thought processes, meeting notes, notes from phone calls, both pro and con, for offering or not offering this product.
 - (e) What is the fee structure for this coverage?
 - (f) Does Met-Ed's/First Energy's Surge Assist Protection Plan cover fire?
 - (g) Does Met-Ed's/First Energy's Surge Assist Protection Plan cover lightning?
 - (h) Please send a copy of Met-Ed's/First Energy's Surge Assist Protection Plan contract.
 - (i) Must a power surge be noted on Met-Ed's system?
 - (j) How will the customer need to prove that a power surge has occurred in order for it to be covered by the Surge Assist Protection Plan?
 - (k) What is the likelihood that damage from a power surge will be covered by this insurance?

6. When provisions are provided in Code or in Regulation, does Met-Ed believe that it all must be repeated again to apply to additional provisions of law?
7. When provisions are provided in Code or in Regulation, does Met-Ed believe that it must be specifically excluded in order to not apply to additional provisions of law?
15. Including the PUC, has Met-Ed been cited by anyone -- i.e., organizations, agencies, professional organizations, or any other entity of any kind - with any safety violations of any kind in the past 10 years? If so, what were those violations?
16. In all of your evaluations through the National Cyber Security Division of the Department of Homeland Security, were any of Met-Ed's electrical systems deficient in any areas of cybersecurity?
17. Regarding charges for the cost of implementation of the smart meters:
 - (a) What was the total cost of smart meters only throughout Met-Ed's system or the projected total when completed?
 - (b) What was the total installation cost throughout Met-Ed's system or the projected total when completed?
 - (c) How many total meters are represented in Met-Ed's system?
 - (d) When did Met-Ed begin charging customers for smart meters?
 - (e) Were they charged monthly for the cost of the smart meter?
 - (f) How much per month were customers charged?
 - (g) For how many months were they charged?
 - (h) What was the total cost recouped by Met-Ed in the smart meter surcharge?
 - (i) Did this surcharge include the cost of the meter?
 - (j) Did this surcharge include the cost of the installation of the smart meter?
 - (k) Did Met-Ed receive any federal funds for the implementation of the smart meter program?
 - (l) When was that funding applied for?
 - (m) When was the funding received?
 - (n) How much federal funding was received?
 - (o) What will be the projected net profit to Met-Ed (grants, customer surcharges, etc.) for the implementation of the smart meter program over the period of years applicable for receiving fees from customers and purchasing and installing smart meters?

26. What are the mandatory cybersecurity standards that Met-Ed must comply with for the North American Electric Reliability Corporation? Please submit documentation.

27. What is the plan for Met-Ed to certify its compliance with the North American Electric Reliability Corporation mandatory cybersecurity standards? Please submit documentation.

28. When will Met-Ed be in full compliance with NAERC's mandatory cybersecurity standards? Please submit documentation.

29. Regarding cybersecurity, does Met-Ed upgrade only new equipment installed or does Met-Ed upgrade all equipment in its system? Please submit documentation.

36. What is the present most serious deficiency in Met-Ed's cybersecurity system that would affect customers?

37. What is the cybersecurity criteria for Met-Ed's vendors and device selection? Please submit documentation.

39. What is the budget for compliance with cybersecurity for Met-Ed?

41. In cybersecurity, what aspects are done by Met-Ed employees versus what aspects of cybersecurity are done by outsourced contractors?

42. Of those employees who have left Met-Ed, how many with clearances to deal with cybersecurity or other sensitive issues have been accidentally not removed from access immediately after leaving or have experienced any delay of removing them from access?

44. How often in the past 60 months has there been a cybersecurity breach anywhere in Met-Ed's system? Were the affected customers notified?

46. Please describe Met-Ed's breach response plan for theft or other attack of an account or other information. Please submit documentation, emails, and other printed information about this plan.

37. Met-Ed specifically objected to Nos. 1 of the Discovery Requests on the basis that it is overly broad, irrelevant, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. More directly, information related the Company's Surge Assist Protection Plan, which is an optional and non-basic competitive service offering, is

wholly irrelevant to the issues raised within the Formal Complaint and is therefore not discoverable.

38. Met-Ed specifically objected to Nos. 6 and 7 of the Discovery Requests on the basis that they are overly broad, irrelevant, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. More directly, the Discovery Request calls for a legal conclusion concerning the interpretation of the Public Utility Code and the Pennsylvania Public Utility Commission regulations, thus implicating the Company's attorney-client and/or work product privileges. It is improper for a Company witness to sponsor such responses which require a legal conclusion. In addition, it is improper for the Company's attorneys to sponsor such discovery as they are not witnesses in this proceeding. Furthermore, the Public Utility Code and the Commission regulations are public documents that speak for themselves.

39. Met-Ed specifically objected to No. 15 of the Discovery Requests on the basis that it is overly broad, irrelevant, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. More directly, information related to safety violations within the past ten years is wholly irrelevant to the issues raised within the Formal Complaint and is therefore not discoverable. As a purely hypothetical for instance, an Occupational Health and Safety Administration violation for an employee who failed to maintain proper clearance in his work zone has no relevance whatsoever to the safety and reliability regulated by the Pennsylvania Public Utility Commission's determination in the instant matter.

40. Met-Ed specifically objected to Nos. 16, 26, 27, 28, 29, 36, 37, 39, 41, 42, 44 and 46 of the Discovery Requests on the basis that they are overly broad, irrelevant, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. More directly, information related to whether any of Metropolitan Edison Company's ("Met-Ed")

electrical systems were found deficient in any areas of cybersecurity through the National Cyber Security Division of the Department of Homeland Security is wholly irrelevant to the issues raised within the Formal Complaint and is therefore not discoverable. Furthermore, the Pennsylvania Public Utility Commission has already reviewed and approved Met-Ed's Smart Meter Customer Privacy Policy on May 1, 2015 at Docket No. M-2013-2341990, which describes how it will protect Sensitive Customer Information related to the use of smart meters.

41. Met-Ed specifically objected to No. 17 of the Discovery Requests on the basis that it is overly broad, irrelevant, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. More directly, the cost of implementing smart meters is not relevant to the issues in this proceeding, including the legal mandate imposed on to implement smart meters in accordance with Act 129, Metropolitan Edison Company's Pennsylvania Public Utility Commission-approved smart meter implementation plan and retail electric tariff.

III. Conclusion

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

Respectfully submitted,

Dated: June 25, 2019

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June 6, 2019

VIA ELECTRONIC AND FIRST CLASS MAIL

Larry R. Kramer and Ellen M. Kramer
101 South College Street
Myerstown, PA 17067
Kramer101@comcast.net

Re: Larry R. Kramer and Ellen M. Kramer v. Metropolitan Edison Company
Docket No. C-2017-2630621

Dear Mr. and Ms. Kramer:

Attached please find the Objections of Metropolitan Edison Company to the Interrogatories and Requests for Production of Larry R. Kramer and Ellen M. Kramer to Metropolitan Edison, Set IV, Interrogatory Nos. 1, 6-7, 15-17, 26-29, 36-37, 39, 41-42, 44, and 46 in the above-referenced matter. This document has been served as shown in the Certificate of Service.

Please contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink that reads "Tori L. Giesler". The signature is written in a cursive, flowing style.

Tori L. Giesler

Enclosures

cc: As Per Certificate of Service
Administrative Law Judge Jeffrey Watson (Cover Letter and Certificate)
Rosemary Chiavetta, Esq., Public Utility Commission (Cover Letter and Certificate)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LARRY R. KRAMER AND :
ELLEN M. KRAMER :
 :
v. : **Docket No. C-2017-2630621**
 :
METROPOLITAN EDISON COMPANY :

**OBJECTIONS TO THE INTERROGATORIES AND REQUESTS FOR PRODUCTION
OF LARRY R. KRAMER AND ELLEN M. KRAMER TO METROPOLITAN EDISON,
SET IV**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code § 5.342(c), Metropolitan Edison Company (“Met-Ed” or the “Company”) objects to the Fourth Set of Interrogatories and Requests for Production propounded by Larry R. Kramer and Ellen M. Kramer (“Complainants”) dated May 25, 2019 (“Complainant’s Discovery Requests, Set IV”). The Company avers as follows:

I. Background

1. On October 24, 2017, the Complainants filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission”) regarding 101 South College Street, Myerstown, Pennsylvania 17067 (“Service Location”).

2. On November 13, 2017, the Company filed its Answer and New Matter denying the material allegations as well as Preliminary Objections.

3. On November 30, 2017, the Complainants filed a reply to the Company’s Answer and New Matter.

4. On November 30, 2017, the Complainants also filed an Amended Formal Complaint which was served on the Company via first class mail.

5. On December 6, 2017, a motion judge assignment notice was issued assigning this matter to Administrative Law Judge (“ALJ”) Jeffrey A. Watson for disposition.
6. On December 26, 2017, an Interim Order was issued by ALJ Watson denying the Company’s Preliminary Objections.
7. On January 10, 2018, the Complainants filed a reply to the Company’s Answer and New Matter to the Complainants’ Amended Formal Complaint.
8. On January 23, 2018 in accordance with 52 Pa. Code § 5.341, the Company forwarded to the Complainants interrogatories and document requests via first class mail.
9. On February 3, 2018, the Complainants mailed objections to all of the Company’s interrogatories and document requests.
10. On June 14, 2018, the Company filed a Motion to Compel responses to the Company’s discovery requests issued on January 23, 2018.
11. On June 27, 2018, the Complainants’ submitted a letter and two-page attachment dated June 25, 2018 requesting a reasonable extension of time to respond to the Company’s Motion to Compel.
12. On July 18, 2018, an Interim Order was issued which granted the Complainants’ request for additional time to respond to the Company’s Motion to Compel.
13. By letter dated July 20, 2018, the Complainants’ provided a response to the Company’s Motion to Compel.
14. On August 30, 2018, ALJ Watson issued an Interim Order granting the Company’s Motion to Compel and ordering the Complainants to provide full, complete objections and/or responses to the Company’s Discovery Requests on or before September 14, 2018.

15. In a letter dated September 13, 2018, Complainants responded to the Interim Order and essentially restated their prior objections, which were already rejected in the ALJ's Interim Order granting the Company's Motion to Compel.

16. Given the Complainants' failure to respond to the Company's discovery requests and ALJ Watson's order compelling the same, the Company filed a Motion to Dismiss the Formal Complaint in this matter on October 30, 2018.

17. By letter dated November 5, 2018, the Complainants provided a response to the Company's Motion to Dismiss.

18. On December 5, 2018, ALJ Watson issued an Interim Order which held in abeyance the Company's Motion to Dismiss and compelled the Complainants to provide full and complete responses to the Company's Discovery Requests and required Complainants to comply with prior Interim Orders.

19. On December 17, 2018, the Company received Complainants' Interrogatories and Requests for Production, Set I ("Complainants' Discovery Requests, Set I").

20. On December 26, 2018, the Company filed its objections to certain of the Complainants' Discovery Requests, Set I.

21. By letter dated December 27, 2018, the Complainants provided incomplete responses to the Company's Discovery Requests as well as a stipulated protective agreement.

22. On January 22, 2019, the Complainants filed their Motion to Compel related to these objections.

23. On January 25, 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.

24. On January 30, 2019, the Company filed objections to the Complainant's Motion to Compel.
25. On February 6, 2019, an Interim Order was entered denying the Company's Motion to Dismiss, without prejudice and a second Interim Order was entered denying the Complainants' Motion to Compel.
26. Also, on February 6, 2019, the Complainants filed a second request for an extension of the procedural schedule.
27. On February 12, 2019, the Company filed an objection to the Complainants' second request for an extension of the procedural schedule.
28. On February 15, 2019, ALJ Watson issued an Interim Order which denied the Complainants' second request for an extension of time to the litigation schedule.
29. On February 16, 2019, the Company received Complainants' Interrogatories and Requests for Production, Set II ("Complainants' Discovery Requests, Set II").
30. On March 1, 2019, the Company filed objections to Complainants' Discovery Requests, Set II.
31. On March 9, 2019, the Complainants filed a Motion to Compel related to the Company's objections to Complainants' Discovery Requests, Set II.
32. On March 18, 2019, the Company filed a response to the Motion to Compel.
33. On April 1, 2019, the Complainants filed a response to the Company's response to the Motion to Compel.
34. On April 4, 2019, an Interim Order was entered which denied the Complainants' Motion to Compel which was dated March 9, 2019.

35. On April 9, 2019, the Company received Interrogatories and Requests for Production, Set III (“Complainants’ Discovery Requests, Set III”).

36. On May 7, 2019, the Company submitted responses to the Complainants’ Discovery Requests, Set III.

37. On May 10, 2019, the Company filed a Status Report.

38. On May 20, 2019, the Complainants filed a Status Report.

39. On May 25, 2019, the Complainants served their Interrogatories and Requests for Production, Set IV (“Complainants’ Discovery Requests, Set IV”) via first class mail.

II. Objections

1. In responding to the Complainant’s Discovery Requests, Set IV, the Company does not waive any objections to the admissibility, relevancy, materiality, confidentiality, or privilege attached to any document, communication, or information.

2. Numerous of the Complainants’ Discovery Requests, Set IV seek information or documents that are wholly objectionable, and the Company objects to them in their entirety. Specifically, the Company objects to Kramer Interrogatory Set IV, Nos. 1, 6-7, 15-17, 26-29, 36-37, 39, 41-42, 44, and 46 as follows:

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v.
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Kramer Interrogatory Set IV, No. 1

Re Surge Assist Protection Plan

- (a) When did Met-Ed and/or First Energy decide to offer the Surge Assist Protection Plan to customers?
- (b) What was the reasoning for offering Surge Assist to customers?
- (c) What need is this filling for customers?
- (d) Please submit copies of all correspondence, memos, emails, and other documentation showing the decision-making process including the determination process of the needs and/or thought processes, meeting notes, notes from phone calls, both pro and con, for offering or not offering this product.
- (e) What is the fee structure for this coverage?
- (f) Does Met-Ed's/First Energy's Surge Assist Protection Plan cover fire?
- (g) Does Met-Ed's/First Energy's Surge Assist Protection Plan cover lightning?
- (h) Please send a copy of Met-Ed's/First Energy's Surge Assist Protection Plan contract.
- (i) Must a power surge be noted on Met-Ed's system?
- (j) How will the customer need to prove that a power surge has occurred in order for it to be covered by the Surge Assist Protection Plan?
- (k) What is the likelihood that damage from a power surge will be covered by this insurance?

OBJECTION:

This Discovery Request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Information related the Company's Surge Assist Protection Plan – an optional and non-basic competitive service offering - is wholly irrelevant to the issues raised within the Formal Complaint and is therefore not discoverable.

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v.
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Kramer Interrogatory Set IV, No. 6

When provisions are provided in Code or in Regulation, does Met-Ed believe that it all must be repeated again to apply to additional provisions of law?

OBJECTION:

This Discovery Request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, this Discovery Request calls for a legal conclusion concerning the interpretation of the Public Utility Code and the Pennsylvania Public Utility Commission regulations, thus implicating the Company's attorney-client and/or work product privileges. It is improper for a Company witness to sponsor such responses which require a legal conclusion. In addition, it is improper for the Company's attorneys to sponsor such discovery as they are not witnesses in this proceeding. Furthermore, the Public Utility Code and the Commission regulations are public documents that speak for themselves.

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v.
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Kramer Interrogatory Set IV, No. 7

When provisions are provided in Code or in Regulation, does Met-Ed believe that it must be specifically excluded in order to not apply to additional provisions of law?

OBJECTION:

This Discovery Request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, this Discovery Request calls for a legal conclusion concerning the interpretation of the Public Utility Code and the Pennsylvania Public Utility Commission regulations, thus implicating the Company's attorney-client and/or work product privileges. It is improper for a Company witness to sponsor such responses which require a legal conclusion. In addition, it is improper for the Company's attorneys to sponsor such discovery as they are not witnesses in this proceeding. Furthermore, the Public Utility Code and the Commission regulations are public documents that speak for themselves.

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Kramer Interrogatory Set IV, No. 15

Including the PUC, has Met-Ed been cited by anyone -- i.e., organizations, agencies, professional organizations, or any other entity of any kind - with any safety violations of any kind in the past 10 years? If so, what were those violations?

OBJECTION:

This Discovery Request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Information related to safety violations within the past ten years is wholly irrelevant to the issues raised within the Formal Complaint and is therefore not discoverable. As a purely hypothetical for instance, an Occupational Health and Safety Administration violation for an employee who failed to maintain proper clearance in his work zone has no relevance whatsoever to the safety and reliability regulated by the Pennsylvania Public Utility Commission's determination in the instant matter.

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v.
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Kramer Interrogatory Set IV, No. 16

In all of your evaluations through the National Cyber Security Division of the Department of Homeland Security, were any of Met-Ed's electrical systems deficient in any areas of cybersecurity?

OBJECTION:

This Discovery Request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Information related to whether any of Metropolitan Edison Company's ("Met-Ed") electrical systems were found deficient in any areas of cybersecurity through the National Cyber Security Division of the Department of Homeland Security is wholly irrelevant to the issues raised within the Formal Complaint and is therefore not discoverable. Furthermore, the Pennsylvania Public Utility Commission has already reviewed and approved Met-Ed's Smart Meter Customer Privacy Policy on May 1, 2015 at Docket No. M-2013-2341990, which describes how it will protect Sensitive Customer Information related to the use of smart meters.

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Kramer Interrogatory Set IV, No. 17

Regarding charges for the cost of implementation of the smart meters:

- (a) What was the total cost of smart meters only throughout Met-Ed's system or the projected total when completed?
- (b) What was the total installation cost throughout Met-Ed's system or the projected total when completed?
- (c) How many total meters are represented in Met-Ed's system?
- (d) When did Met-Ed begin charging customers for smart meters?
- (e) Were they charged monthly for the cost of the smart meter?
- (f) How much per month were customers charged?
- (g) For how many months were they charged?
- (h) What was the total cost recouped by Met-Ed in the smart meter surcharge?
- (i) Did this surcharge include the cost of the meter?
- (j) Did this surcharge include the cost of the installation of the smart meter?
- (k) Did Met-Ed receive any federal funds for the implementation of the smart meter program?
- (l) When was that funding applied for? (m) When was the funding received?
- (n) How much federal funding was received?
- (o) What will be the projected net profit to Met-Ed (grants, customer surcharges, etc.)

OBJECTION:

This Discovery Request is vague, ambiguous, irrelevant, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. The cost of implementing smart meters is not relevant to the issues in this proceeding, including the legal mandate imposed on to implement smart meters in accordance with Act 129, Metropolitan Edison Company's Pennsylvania Public Utility Commission-approved smart meter implementation plan and retail electric tariff.

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Kramer Interrogatory Set IV, No. 26

What are the mandatory cybersecurity standards that Met-Ed must-comply with for the North American Electric Reliability Corporation? Please submit documentation.

OBJECTION:

This Discovery Request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Information related to mandatory cybersecurity standards that Metropolitan Edison Company ("Met-Ed") must comply with for the North American Electric Reliability Corporation is wholly irrelevant to the issues raised within the Formal Complaint and outside the bounds of the Pennsylvania Public Utility Commission's ("Commission") jurisdiction and is therefore not discoverable. Furthermore, the Commission has already reviewed and approved Met-Ed's Smart Meter Customer Privacy Policy on May 1, 2015 at Docket No. M-2013-2341990, which describes how Met-Ed will protect Sensitive Customer Information related to the use of smart meters.

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Kramer Interrogatory Set IV, No. 27

What is the plan for Met-Ed to certify its compliance with the North American Electric Reliability Corporation mandatory cybersecurity standards? Please submit documentation.

OBJECTION:

This Discovery Request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Information related to Metropolitan Edison Company's ("Met-Ed") plan to certify its compliance with the North American Electric Reliability Corporation is wholly irrelevant to the issues raised within the Formal Complaint and outside the bounds of the Pennsylvania Public Utility Commission's ("Commission") jurisdiction and is therefore not discoverable. Furthermore, the Commission has already reviewed and approved Met-Ed's Smart Meter Customer Privacy Policy on May 1, 2015 at Docket No. M-2013-2341990, which describes how Met-Ed will protect Sensitive Customer Information related to the use of smart meters.

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Kramer Interrogatory Set IV, No. 28

When will Met-Ed be in full compliance with NAERC's mandatory cybersecurity standards?
Please submit documentation.

OBJECTION:

This Discovery Request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Information related to Metropolitan Edison Company's ("Met-Ed") plan to certify its compliance with the North American Electric Reliability Corporation is wholly irrelevant to the issues raised within the Formal Complaint and outside the bounds of the Pennsylvania Public Utility Commission's ("Commission") jurisdiction and is therefore not discoverable. Furthermore, the Commission has already reviewed and approved Met-Ed's Smart Meter Customer Privacy Policy on May 1, 2015 at Docket No. M-2013-2341990, which describes how Met-Ed will protect Sensitive Customer Information related to the use of smart meters.

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Kramer Interrogatory Set IV, No. 29

Regarding cybersecurity, does Met-Ed upgrade only new equipment installed or does Met-Ed upgrade all equipment in its system? Please submit documentation.

OBJECTION:

This Discovery Request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Information related to what equipment Metropolitan Edison Company ("Met-Ed") upgrades and how is wholly irrelevant to the issues raised within the Formal Complaint and is therefore not discoverable. Furthermore, the Pennsylvania Public Utility Commission has already reviewed and approved Met-Ed's Smart Meter Customer Privacy Policy on May 1, 2015 at Docket No. M-2013-2341990, which describes how Met-Ed will protect Sensitive Customer Information related to the use of smart meters.

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Kramer Interrogatory Set IV, No. 36

What is the present most serious deficiency in Met-Ed's cybersecurity system that would affect customers?

OBJECTION:

This Discovery Request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Information related to Metropolitan Edison Company's ("Met-Ed") most serious deficiencies is wholly irrelevant to the issues raised within the Formal Complaint, is outside the bounds of the Pennsylvania Public Utility Commission's ("Commission") jurisdiction, and the disclosure of any such deficiency points could present additional risk to Met-Ed relative to any such deficiency. Therefore, any such information is not discoverable. Furthermore, the Commission has already reviewed and approved Met-Ed' Smart Meter Customer Privacy Policy on May 1, 2015 at Docket No. M-2013-2341990, which describes how Met-Ed will protect Sensitive Customer Information related to the use of smart meters.

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Kramer Interrogatory Set IV, No. 37

What is the cybersecurity criteria for Met-Ed's vendors and device selection? Please submit documentation.

OBJECTION:

This Discovery Request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Information related to Metropolitan Edison Company's ("Met-Ed") cybersecurity criteria for Met-Ed's vendors and device selection is wholly irrelevant to the issues raised within the Formal Complaint and is outside the bounds of the Pennsylvania Public Utility Commission's ("Commission") jurisdiction. Therefore, any such information is not discoverable. Furthermore, the Commission has already reviewed and approved Met-Ed' Smart Meter Customer Privacy Policy on May 1, 2015 at Docket No. M-2013-2341990, which describes how Met-Ed will protect Sensitive Customer Information related to the use of smart meters.

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Kramer Interrogatory Set IV, No. 39

What is the budget for compliance with cybersecurity for Met-Ed?

OBJECTION:

This Discovery Request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Information related to Metropolitan Edison Company's ("Met-Ed") budgets is wholly irrelevant to the issues raised within the Formal Complaint and is outside the bounds of the Pennsylvania Public Utility Commission's ("Commission") jurisdiction. Therefore, any such information is not discoverable. Furthermore, the Commission has already reviewed and approved Met-Ed' Smart Meter Customer Privacy Policy on May 1, 2015 at Docket No. M-2013-2341990, which describes how Met-Ed will protect Sensitive Customer Information related to the use of smart meters.

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Kramer Interrogatory Set IV, No. 41

In cybersecurity, what aspects are done by Met-Ed employees versus what aspects of cybersecurity are done by outsourced contractors?

OBJECTION:

This Discovery Request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Information related to Metropolitan Edison Company's ("Met-Ed") cybersecurity roles and responsibilities as split between Met-Ed's employees and contractors is wholly irrelevant to the issues raised within the Formal Complaint and is outside the bounds of the Pennsylvania Public Utility Commission's ("Commission") jurisdiction. Therefore, any such information is not discoverable. Furthermore, the Commission has already reviewed and approved Met-Ed's Smart Meter Customer Privacy Policy on May 1, 2015 at Docket No. M-2013-2341990, which describes how Met-Ed will protect Sensitive Customer Information related to the use of smart meters.

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Kramer Interrogatory Set IV, No. 42

Of those employees who have left Met-Ed, how many with clearances to deal with cybersecurity or other sensitive issues have been accidentally not removed from access immediately after leaving or have experienced any delay of removing them from access?

OBJECTION:

This Discovery Request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Information related to ex-employees of Metropolitan Edison Company ("Met-Ed") access is wholly irrelevant to the issues raised within the Formal Complaint and is outside the bounds of the Pennsylvania Public Utility Commission's ("Commission") jurisdiction. Therefore, any such information is not discoverable. Furthermore, the Commission has already reviewed and approved Met-Ed's Smart Meter Customer Privacy Policy on May 1, 2015 at Docket No. M-2013-2341990, which describes how Met-Ed will protect Sensitive Customer Information related to the use of smart meters.

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Kramer Interrogatory Set IV, No. 44

How often in the past 60 months has there been a cybersecurity breach anywhere in Met-Ed's system? Were the affected customers notified?

OBJECTION:

This Discovery Request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Information related to cybersecurity breaches in Metropolitan Edison Company's ("Met-Ed") system is wholly irrelevant to the issues raised within the Formal Complaint and is outside the bounds of the Pennsylvania Public Utility Commission's ("Commission") jurisdiction. Therefore, any such information is not discoverable. Furthermore, the Commission has already reviewed and approved Met-Ed' Smart Meter Customer Privacy Policy on May 1, 2015 at Docket No. M-2013-2341990, which describes how Met-Ed will protect Sensitive Customer Information related to the use of smart meters.

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Kramer Interrogatory Set IV, No. 46

Please describe Met-Ed's breach response plan for theft or other attack of an account or other information. Please submit documentation, emails, and other printed information about this plan.

OBJECTION:


This Discovery Request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Information related to Metropolitan Edison Company's ("Met-Ed") plan for theft or an attack is wholly irrelevant to the issues raised within the Formal Complaint and is outside the bounds of the Pennsylvania Public Utility Commission's ("Commission") jurisdiction. Therefore, any such information is not discoverable. Furthermore, the Commission has already reviewed and approved Met-Ed's Smart Meter Customer Privacy Policy on May 1, 2015 at Docket No. M-2013-2341990, which describes how Met-Ed will protect Sensitive Customer Information related to the use of smart meters.

III. Conclusion

WHEREFORE, for the foregoing reasons, Metropolitan Edison Company objects to Complainant's Discovery Requests, Set IV, Interrogatory Nos. 1, 6-7, 15-17, 26-29, 36-37, 39, 41-42, 44, and 46.

Respectfully submitted,

Dated: June 6, 2019



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Counsel for Metropolitan Edison Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LARRY R. KRAMER AND :
ELLEN M. KRAMER :
 :
 v. : **Docket No. C-2017-2630621**
 :
 :
METROPOLITAN EDISON COMPANY :

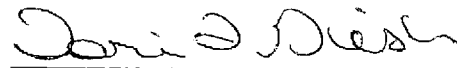
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Objections of Metropolitan Edison Company to the Interrogatories and Requests for Production of Larry R. Kramer and Ellen M. Kramer to Metropolitan Edison Company, Set IV, upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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

Larry R. Kramer and Ellen M. Kramer
101 South College Street
Myerstown, PA 17067
Kramer101@comcast.net

Dated: June 6, 2019



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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**LARRY R. KRAMER AND
ELLEN M. KRAMER**

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:

Docket No. C-2017-2630621

v.

METROPOLITAN EDISON COMPANY

CERTIFICATE OF SERVICE

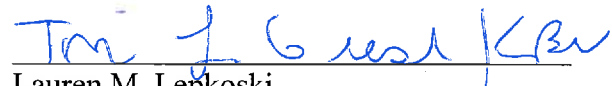
I hereby certify that I have this day served a true copy of the Response of Metropolitan Edison Company to Motion to Compel of Larry R. and Ellen M. Kramer upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by electronic and first class mail, postage prepaid, as follows:

Larry R. Kramer and Ellen M. Kramer
101 South College Street
Myerstown, PA 17067
kramer101@comcast.net

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

Dated: June 25, 2019



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