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June 28, 2019

VIA ELECTRONIC FILING

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

Re: Jeannette and Craig Pavlick v. West Penn Power Company
Docket No. C-2018-3002723

Dear Secretary Chiavetta:

Enclosed please find the Motion to Compel of West Penn Power Company with regard to the above-captioned matter. This document has been served on the Complainant as shown in the Certificate of Service.

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

Very truly yours,



Tori L. Giesler

krak
Enclosures

c: As Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JEANNETTE AND CRAIG PAVLICK

V.

WEST PENN POWER COMPANY

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:
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Docket No. C-2018-3002723

NOTICE TO PLEAD

TO: Jeannette and Craig Pavlick

Pursuant to 52 Pa. Code § 5.102(b), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion to Compel of West Penn Power Company within **five (5) days** from the service of the Notice, the facts set forth by West Penn Power Company in the Motion may be deemed to be true, thereby requirement no other proof. All pleading, such as a Reply to Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy service to counsel for West Penn Power Company, and where applicable, the Administrative Law Judge presiding over the case.

File with:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

With a copy to:

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

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

Date: June 28, 2019



Lauren M. Lepkoski, Esquire
Tori L. Giesler, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JEANNETTE AND CRAIG PAVLICK	:	
	:	
V.	:	Docket No. C-2018-3002723
	:	
WEST PENN POWER COMPANY	:	

**MOTION OF WEST PENN POWER COMPANY TO COMPEL RESPONSES TO
INTERROGATORIES AND DOCUMENT REQUESTS**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

West Penn Power Company (“West Penn” 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 Motion to compel Jeannette and Craig Pavlick (“Complainants”) to provide full and complete responses to interrogatories and document requests issued by the Company on September 14, 2018 and re-issued on May 31, 2019. In support thereof, the Company avers as follows:

I. BACKGROUND

1. On June 14, 2018, the Complainants filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission”) regarding 4200 Colonial Drive, Murrysville, Pennsylvania 15668 (“Service Location”) under Account No. 100094300264 (“Account”) which was electronically served on the Company the same date.

2. On July 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 July 25, 2018, the Complainants filed a reply to the Company’s Preliminary Objections.

4. On August 13, 2018, Administrative Law Judge (“ALJ”) Jeffrey A. Watson was assigned as the Presiding Officer in the above-captioned proceeding.

5. On August 14, 2018, the Complainants filed a reply to the Company’s Answer and New Matter.

6. On August 29, 2018, ALJ Watson issued an Interim Order, which denied the Company’s Preliminary Objections.

7. On September 14, 2018, in accordance with 52 Pa. Code § 5.341, the Company forwarded to the Complainants interrogatories and document requests (“Discovery Requests”) via first class mail. In its Discovery Requests, the Company sought information and documents related to the Complainants’ allegations regarding the Company’s smart meters. A full copy of the Company’s Discovery Requests is attached as Exhibit A.

8. On September 27, 2018, the Complainants mailed objections to all the Company’s Discovery Requests. The Complainants object on the grounds that: (i) the Company “likely” did not mail the Discovery Requests on the date listed on the Certificate of Service; (ii) the time provided to object and respond is “unreasonable;” (iii) the Discovery Requests are “too broad and unrelated to the installation of a potential harmful smart meter;” (iv) the Company is violating § 5.361(a)(2) and (4) as the Complainants do not believe the questions contained in the Discovery Requests are permitted and the number of questions is unreasonable given the response time demanded; and (v) the Company appears to have the “intent to not act in good faith.” A full copy of the Complainants’ Objections to the Company’s Discovery Requests is attached as Exhibit B.

9. In response to the Complainants’ objections, on October 2, 2018, the Company filed a Motion to compel the Complainants to fully and completely respond to the Discovery Requests.

10. By letter dated October 9, 2018, the Complainants submitted a response to the Company's Motion to Compel. The Complainants assert that the Discovery Requests are not related to the Formal Complaint regarding the smart meter, and that the Discovery Requests contain 110 questions and did not comply with 52 Pa. Code § 5.341(d), and that the number of questions were unreasonable and are not simple and straightforward. Complainants further alleged that the Company was in violation of 52 Pa. Code § 5.361(a)(2) and (4).

11. On October 15, 2018, 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. Relevant to this Motion, ALJ Watson issued a witness notification deadline of January 10, 2019, a discovery deadline of April 5, 2019, and a status report deadline of April 19, 2019.

12. On November 28, 2018, ALJ Watson issued an Interim Order which granted the Company's Motion to Compel and directed the Complainants to serve upon counsel for the Company, *full and complete responses* to all of the Discovery Requests served upon Complainants by the Company and file a certificate of service with the Commission's Secretary not later than December 14, 2018.

13. By letter dated December 11, 2018, the Complainants advised of a death in Complainants' family and requested an extension of time until January 17, 2019 to respond to the Discovery Requests propounded by the Company.

14. On January 4, 2019, ALJ Watson issued an Interim Order which granted the Complainants' request for an extension of time to respond to the Discovery Requests and directed the Complainants to serve upon counsel for the Company, *full and complete responses* to all of the

Discovery Requests, which were the subject of the order granting the Company's Motion to Compel entered on November 28, 2018, not later than January 17, 2019.

15. On January 10, 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. By letter dated January 17, 2019, the Complainants requested a second extension of time to respond to the Discovery Requests until February 27, 2019.

17. No response to the Discovery Requests was received from Complainants in contradiction to ALJ Watson Interim Order of January 4, 2019.

18. On March 7, 2019, the Company filed a Motion to Dismiss the Formal Complaint due the Complainants' failure to respond to the Discovery Requests in contradiction to ALJ Watson's Order.

19. On April 19, 2019, in accordance with the Interim Order Establishing a Litigation Schedule, the Company submitted a status report.

20. By letter dated April 25, 2019, the Complainants submitted a Motion to Find in Favor of Complainant, Additional Comments Regarding Clarification Request and Response to West Penn Power Company Letter Dated April 19, 2019.

21. On May 2, 2019, an Interim Order Scheduling Prehearing Conference was issued which scheduled a prehearing conference for June 13, 2019.

22. On May 3, 2019, a Call In Telephonic Pre-Hearing Conference Notice was issued which scheduled a prehearing conference for June 13, 2019.

23. On May 29, 2019, ALJ Watson received correspondence from the Complainants which advised, *inter alia*, that the Complainants would be out of town during the week of June 13,

2019. In response, that same day, ALJ Watson issued an Interim Order Rescheduling Prehearing Conference and Directing the Parties to Confer Regarding Outstanding Discovery Issues which rescheduled the prehearing conference for June 25, 2019.

24. On May 29, 2019, a Cancel/Reschedule Pre-Hearing Conference Notice was issued.

25. On May 31, 2019, the Company issued correspondence addressing the Complainants' questions and concerns regarding the Discovery Requests and re-issued the Discovery Requests.

26. On May 28, 2019, the Complainants propounded discovery requests upon the Company even though the discovery deadline had passed on April 5, 2019.

27. On June 25, 2019, a prehearing conference was held. The Complainants and counsel for the Company appeared and participated. ALJ Watson and the parties discussed the hearing process, discovery, outstanding motions of the Complainants and the Company, and witnesses. The Complainants stated that they still did not know who their witnesses would be and reserved their right to present witnesses even though their witness list was due on January 10, 2019 pursuant to the Interim Order.

28. Also on June 25, 2019, ALJ Watson issued an Interim Order Denying Complainants' Motion to Find in Favor of Complainants Dated April 25, 2019.

29. Further on June 25, 2019, the Company received non-substantive responses from the Complainants to the Company's Discovery Requests, which were dated June 20, 2019. The responses received were incomplete at best. The Complainants stated that they were "reserving the right" to present information at trial and/or that they simply were "not prepared to answer this further at this time" and providing little or no response for Nos. 3-4, 6-7, 18-19, 21-32, 35-37, 39-

43, 46-48. Further, the Complainants responded “N/A” or “irrelevant” and provided little or no response for Nos. 2, 8-12, 33-34, 38 in contradiction to ALJ Watson’s orders. Lastly, the Complainants provided absolutely no documentation in response to the Requests for Production of Documents, Nos. 35-48, and in fact stated that the Company needed to provide *them* with documentation with regard to Nos. 44 and 45.

30. Due to the lack of substantive responses to the Discovery Requests issued on September 14, 2019 and re-issued on May 31, 2019, in contradiction to ALJ Watson’s Interim Order which required that *full and complete responses* be provided by the Complainants, the Company now files this Motion to Compel.

31. Further, the Complainants have ignored ALJ Watson’s Interim Order Establishing Litigation Schedule issued on October 15, 2018, requiring the exchange expert and factual witness information by January 10, 2019 and the filing of a status report by April 19, 2019, as no witness information or status report has been received from the Complainants as of the filing of this Motion.

II. MOTION TO COMPEL

32. The Commission’s regulations 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).

33. Generally speaking, this Commission applies a standard of relevance which is less restrictive than that required by parties to present information into the evidentiary record. It is not grounds for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c).

34. Discovery may be obtained regarding any matter relevant to the subject matter. Relevant evidence is evidence that tends to make an act at issue more or less probable. Moreover, evidence is relevant if it advances the inquiry in some degree and, thus, has probative value. Although the law does not furnish an absolute test of relevancy, the Pennsylvania Supreme Court follows a two-part analysis for determining relevance. In *Commonwealth v. Stewart*, 461 Pa. 274, 336 A.2d 282 (1975), the Court held that “[i]t must be determined first if the inference sought to be raised by the evidence bears upon a matter at issue in this case and, second, whether the evidence renders the desired inference more probable than it would be without the evidence. *Id.* at 284.

35. The information sought here by the Company is relatively simple and straightforward. It is directly relevant and material to the issues raised by the Complainants in their Formal Complaint. The Company is entitled to the requested information to enable it to fully investigate what information the Complainants relied on to make the specific and detailed allegations they did in their Formal Complaint. If the Complainants needed more time to answer the Company’s Discovery Requests, they could have contacted the Company to request an extension.

36. The Commission’s Regulations at 52 Pa. Code § 5.371 address the consequences of a participant’s failure to comply with the Commission’s discovery regulations. Section 5.371 provides that:

- (a) The Commission or the presiding officer may, on motion, make an appropriate order if one of the following occurs:
 - (1) A party fails to appear, answer, file sufficient answers, file objections, make a designation or otherwise respond to discovery requests, as required under this subchapter.

37. Further, 52 Pa. Code § 5.372 provides that the presiding officer may impose appropriate sanctions upon a party found to be found in violation of the obligations set forth in the Commission's Regulations.

38. As a result of the Complainants' failure to provide complete response to the Company's Discovery Requests, failure to provide notification of witnesses and failure to provide a status report in contradiction to the Interim Orders issued by ALJ Watson, which demonstrates their lack of cooperation and willingness to participate in this proceeding as required under the Commission's regulations, the Formal Complaint in this proceeding should be dismissed in its entirety.

39. The Company requests that the Complainants again be directed to provide *full and complete responses* to the Discovery Requests to be received by the undersigned counsel for the Company within five business days after entry of an Order Granting the Motion to Compel.

40. In the event the Complainants are directed by the Commission to respond to the Company's Discovery Requests, but fail to, the Company respectfully requests that the Complaint against the Company be dismissed in its entirety.

WHEREFORE, West Penn Power Company respectfully requests that the Commission issue an Order compelling the Complainants to fully and completely respond to the Discovery Requests such that the responses are received by counsel for the Company no later than five business days after entry of an Order on the Motion to Compel. Further, in the event the Complainants do not comply with the Order directed by the Commission and fails to respond to the Company's Discovery Requests, the Company respectfully requests that the Commission dismiss in its entirety the Complaint of Jeannette and Craig Pavlick.

Respectfully submitted,

Dated: June 28, 2019



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Counsel for West Penn Power Company



Lauren M. Lepkoski, Esq.
(610) 921-6203
(330) 315-9263 (Fax)

September 14, 2018

VIA FIRST CLASS MAIL

Jeannette and Craig Pavlick
4200 Colonial Drive
Murrysville, PA 15668

Re: Jeannette and Craig Pavlick v. West Penn Power Company
Docket No. C-2018-3002723

Dear Mr. and Ms. Pavlick:

Enclosed please find the Interrogatories and Requests for Production of Documents (Set I) to Jeannette and Craig Pavlick. Pursuant to 52 Pa. Code §§ 5.341 and 5.349, *et seq.*, your answers are due within twenty days of service of this letter (October 4, 2018). In addition, any objections are due within ten days of service of this letter (September 25, 2018). This document has been served as indicated within the Certificate of Service.

Very truly yours,

A handwritten signature in cursive script, appearing to read "L M Lepkoski".

Lauren M. Lepkoski

Enclosures

c: As Per Certificate of Service
The Honorable Jeffrey Watson, Public Utility Commission (Cover Letter and Certificate)
Rosemary Chiavetta, Esq., Public Utility Commission (Cover Letter and Certificate)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JEANNETTE AND CRAIG PAVLICK

v.

WEST PENN POWER COMPANY

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Docket No. C-2018-3002723

**INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS OF
WEST PENN POWER COMPANY TO MICHAEL S. WOLFE, SET I**

West Penn Power Company hereby propounds these Interrogatories and Requests for Production of Documents (Set I) to Jeannette and Craig Pavlick (the "Complainant"). Telephone or other contact concerning availability and timing of formal responses is encouraged. The answer to each interrogatory should be started on a new page. The answers should restate the question asked and indicate the person(s) supplying the information.

Pursuant to 52 Pa. Code § 5.342, you must send your answers to me within 20 days (October 4, 2018) and objections within 10 days (September 25, 2018). Your answers and objections should not be filed with the Pennsylvania Public Utility Commission. You should only file the cover letter and certificate of service, with the Commission's Secretary Rosemary Chiavetta and send a copy to Administrative Law Judge Jeffrey A. Watson. If you have any objection to any of the interrogatories or the request for documents, please identify the interrogatory or request and state your objection in full as to why you should not have to answer/produce it. Any objection not raised within the 10-day period provided for by 52 Pa. Code § 5.342(c) will be deemed waived and you will not be permitted to raise the objection at a later time.

Dated: September 14, 2018

INSTRUCTIONS

A. In answering these Interrogatories and Requests for Production of Documents, please furnish all information available to you, including any such information possessed by others that you can obtain, and not merely such information known of your own personal knowledge. If you cannot answer the Interrogatories and Requests in full after exercising due diligence to secure the information to do so, so state and answer to the extent possible.

B. Other than for the reasons identified herein, you must provide an answer to all Interrogatories and Requests for Production of Documents. If the answer to the question is "none" or "unknown," such statement must be written in the answer. If you consider the question to be inapplicable, "N/A" must be written in the answer. If an answer is omitted because of a claim of privilege, the basis of privilege is to be stated.

C. If the answer to any of the Interrogatories and Requests for Production of Documents is that you lack knowledge of some or all of the requested information, describe all efforts made by you to obtain the information necessary to answer that Interrogatory or Request.

D. These Interrogatories and Requests for Production of Documents are to be deemed continuing in nature, and you shall promptly supply, by way of supplemental response, any additional responsive information that may become known to you or anyone acting on your behalf after your answers have been prepared or served.

E. As used herein, the terms "Complainant" and "you" refer to Jeannette and Craig Pavlick and their attorneys, agents, or representatives.

F. As used herein, the terms "Company" or "Respondent" refer to West Penn Power Company, and any agent, agency, or affiliate thereof.

G. As used herein, the term “proceeding” refers to the instant complaint proceeding at the Pennsylvania Public Utility Commission at Docket No. C-2018-3002723.

H. As used herein, the terms “service location,” “property,” or “home” refer to your service address of 4200 Colonial Drive, Murrysville, Pennsylvania 15668.

I. As used herein, the term “household” refers to you and all other individuals who reside at the service location.

J. As used herein, the terms “document” or “documentation” includes any written, printed, typed, recorded, or graphic matter, whether produced or reproduced or stored on paper, cards, tapes, film, electronic facsimile, computer storage devices or any other devices or media, including, but not limited to papers; books; letters; photographs; objects; tangible things; correspondence; e-mails; websites; webpages; telegrams; cables; telex messages; memoranda; medical records; notes; notations; records; work papers; transcripts; minutes; reports and recordings of telephone or other conversations, or of interviews, or of conferences, or of other meetings; affidavits; statements; opinions; proposals; reports; surveys; plans; studies; analyses; audits; evaluations; contracts; agreements; journals; statistical records; invoices; receipts; desk calendars; appointment books; diaries; lists; tabulations; summaries; sound recordings; computer printouts; data processing input and output; microfilms; all records kept by electronic, photographic, or mechanical means; and things similar to any of the foregoing, however denominated. When one or more of the foregoing documents is requested or referred to, the request or reference shall include, but is not limited to, the original and each and every copy and draft thereof having writings, notations, corrections, or markings unique to such copy or draft.

K. As used herein, all other words are to be given their ordinary and usual meanings, according to a current edition of Webster’s Dictionary.

**INTERROGATORIES OF WEST PENN POWER COMPANY TO JEANETTE AND
CRAIG PAVLICK, SET I**

1. Are you claiming that the installation of a smart meter at your property would cause or contribute to an adverse health condition for any member of your household?
2. If the answer to question 1 is yes, please provide the following information for each household member whose health you claim will be affected:
 - a. Name;
 - b. Age;
 - c. The specific health condition that you believe would be caused by or contributed to as a result of a smart meter being installed;
 - d. Whether the household member is already experiencing the specific health condition, and, if so, the date on which the condition was first experienced and the date on which the condition was first diagnosed by a medical doctor;
 - e. Whether the household member has experienced the specific health condition within the last four years;
 - f. Any medication prescribed to the household member; and
 - g. Whether the household member has visited a medical professional for the specific health condition, and if so, the name, address, and phone number of the medical professional and the date of the visit(s) to the medical professional.

- a. Please identify each document you rely on in support of the position.
 - b. Do you intend to rely on these documents at the time of the hearing in this proceeding?
 - c. Please describe in detail all information you have to support this position.
8. Are there any cordless phones used in your home?
- a. For each cordless phone in your home, please provide the names of the phone manufacturer and model.
9. Do you use a cellular phone?
- a. If yes, please identify the names of the cellular phone manufacturer and the model (for example, Apple i-Phone 7S).
 - b. Does anyone else in your home use a cellular phone?
 - c. How many cellular phones are in use at your home?
 - d. For each cellular phone used by a member of your household, please provide the name of the cell phone manufacturer and model.
10. Is there satellite television at your home?
- a. If yes, please identify the satellite television provider (for example, Direct TV).
 - b. If yes, where is the satellite dish located?

11. Is there a laptop computer at the service location?
 - a. If yes, where is it located?
12. Do you use a wifi network in your home?
 - a. If yes, where is the wifi router located?
13. Is it your position that a customer has the right to request a smart meter not be installed at his service location?
14. Is it your position that a customer must request smart meter installation?
15. Is it your position that Act 129 of 2008 does not require the utility to install smart meters throughout its service territory?
16. Is it your position that you would like to opt out completely from smart meter installation?
17. Do you believe the installation of a smart meter at your property would violate the privacy or security of a member of your household?
18. If yes to question 17, please specifically describe each of your concerns regarding your household's privacy or security after the installation of a smart meter.
19. Please provide the following information regarding your position that the installation of a smart meter would violate your household's privacy or security:
 - a. Please identify each document you rely on in support of the position.

- b. Do you intend to rely on these documents at the time of the hearing in this proceeding?
 - c. Please describe in detail all information you have to support this position.
 - d. Do you have any relevant educational or work background that qualifies you to assert this position?
 - e. Is yes, please identify the relevant educational or work background that qualifies you to assert this position.
20. To your knowledge, has a smart meter been installed by the Company at your property?
21. Please describe in detail how you believe a smart meter operates.
22. In your complaint, you state that “[t]here are reports of smart meters catching on fire and exploding.” Please provide the following information related to this statement:
- a. What documents do you rely on in support of this statement?
 - b. Do you intend to rely on these documents at the time of the hearing in this proceeding?
 - c. Please describe in detail the information you have to support this statement.

23. In your complaint, you state that your “children are at risk from the radiation given off by this unit and this could affect their future reproduction as well as their health and life.” Please provide the following information related to this statement.
- a. What documents do you rely on in support of this statement?
 - b. Do you intend to rely on these documents at the time of the hearing in this proceeding?
 - c. Please describe in detail the information you have to support this statement.
24. In your complaint, you state that “[t]here are hazards from this radiation that could cause cancer as well as other health issues.” Please provide the following information related to this statement.
- a. What documents do you rely on in support of this statement?
 - b. Do you intend to rely on these documents at the time of the hearing in this proceeding?
 - c. Please describe in detail the information you have to support this statement.
25. In your complaint, you state that “[d]octors have said that [smart meters] are bad for our health and they are very concerned about the effects of using smart meters.” Please provide the following information related to this statement.
- a. What documents do you rely on in support of this statement?

- b. Do you intend to rely on these documents at the time of the hearing in this proceeding?
 - c. Please describe in detail the information you have to support this statement.
26. In your complaint, you state that the alleged radiation from a smart meter is “on-going all day and all night.” Please provide the following information related to this statement.
- a. What documents do you rely on in support of this statement?
 - b. Do you intend to rely on these documents at the time of the hearing in this proceeding?
 - c. Please describe in detail the information you have to support this statement.
27. In your complaint, you state that “[t]he American Cancer Society states that ‘it is possible that smart meters could increase cancer risk.’” Please provide the following information related to this statement.
- a. What documents do you rely on in support of this statement?
 - b. Do you intend to rely on these documents at the time of the hearing in this proceeding?
 - c. Please describe in detail the information you have to support this statement.
28. Please list the specific issues you intend to raise at the hearing in this proceeding.

29. Please identify the legal support, including specific citations, for each issue identified in question 28.
30. Please list the factual support for each issue identified in question 28.
31. Please provide the following information for all witnesses you intend to call to testify at the hearing in this proceeding.
 - a. Provide the full name of the witness.
 - b. Provide the address and telephone number of the witness.
 - c. Provide the title or position held by the witness.
 - d. Provide the educational background of the witness.
 - e. Provide the employment background of the witness.
 - f. Provide the scope of the testimony for the witness.
32. Would any witness identified in question 31 be offered as an expert?
 - a. If yes, provide the curriculum vitae of the witness and a summary of the testimony the expert witness is expected to provide.
33. Please describe in detail your educational background.
 - a. Please list any relevant certificates, trainings, or degrees that you obtained.
 - b. Please provide a description of the certificate, training, or degree.
 - c. Please provide the date that any certificate, training, or degree was obtained.

- d. Please provide the name and address of the institution which provided the certificate, training, or degree.
34. Please describe in detail your employment history.
- a. Please provide your employer name and address.
 - b. Please provide the title of your position.
 - c. Please provide the dates of your employment.
 - d. Please provide the duties performed in your position.

**REQUESTS FOR PRODUCTION OF DOCUMENTS OF WEST PENN POWER
COMPANY TO JEANNETTE AND CRAIG PAVLICK, SET I**

35. Please provide copies of all documentation supporting your position that installation of a smart meter would cause or contribute to an adverse health condition in any member of your household.
36. 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 2, 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.
37. Please provide copies of all documentation you intend to refer to at the hearing in this proceeding related to smart meters and/or radio frequency fields and health.
38. For each cellular phone used by a member of your household, please provide a complete copy of the bills you received from your cellular telephone provider for the past 12 months.
39. Please provide copies of all documentation supporting your position that smart meters would create safety issues for you or members of your household.
40. Please provide copies of all documentation you intend to refer to at the hearing in this proceeding related to the safety concerns of smart meters.

41. Please provide copies of all referenced “reports of smart meters catching on fire and exploding.”
42. Please provide copies of all documentation supporting your position that smart meters would violate the privacy or security of your household.
43. Please provide copies of all documentation you intend to refer to at the hearing in this proceeding supporting your position that smart meters would violate the privacy or security of your household.
44. Please provide copies of all documentation supporting your position that your household may opt out of smart meter installation.
45. Please provide copies of all documentation you intend to refer to at the hearing in this proceeding supporting your position that a household may opt out of smart meter installation.
46. Please provide a copy of all proposed exhibits you intend to submit for the hearing in this proceeding.
47. Please provide copies of all documentation you are relying upon in support of your positions in this proceeding.
48. Please provide copies of all documentation you referenced, referred to, or otherwise relied upon in preparing your responses to these requests.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JEANNETTE AND CRAIG PAVLICK :
: **Docket No. C-2018-3002723**
v. :
: **WEST PENN POWER COMPANY** :
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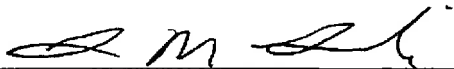
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Interrogatories and Requests for Production of Documents of West Penn Power Company to Jeannette and Craig Pavlick 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:

Jeannette and Craig Pavlick
4200 Colonial Drive
Murrysville, PA 15668

Dated: September 14, 2018



Lauren M. Lepkoski
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, Pennsylvania 19612-6001
(610) 921-6203
llepkoski@firstenergycorp.com

RECEIVED

OCT 01 2018

LEGAL DEPT.

Jeannette and Craig Pavlick
4200 Colonial Drive
Murrysville, PA 15668
(724) 733-1793

CONFIDENTIAL

September 27, 2018

VIA CERTIFIED U.S. MAIL

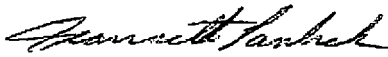
Judge Jeffrey Watson
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
301 5th Avenue, Suite 220
Pittsburgh, PA 15222

In Re: Jeannette and Craig Pavlick v. West Penn Power Company
Docket No. C-2018-3002723

Dear Honorable Jeffrey Watson:

Attached is our Objections to Interrogatories in the above-referenced matter. This document has been served on the Respondent as shown in the Certificate of Service. Please contact us with any questions.

Sincerely,



Jeannette Pavlick



Craig Pavlick

CC: Objections to Interrogatories
Certificate of Service

CONFIDENTIAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JEANNETTE PAVLICK AND CRAIG PAVLICK :
 :
 v. : Docket No. C-2018-3002723
 :
 WEST PENN POWER COMPANY :

**OBJECTIONS TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS SET I
OF WEST PENN POWER COMPANY**

TO: THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, we, Jeannette Pavlick and Craig Pavlick ("Complainants"), are objecting to West Penn Power Company's ("West Penn" or the "Company") Interrogatories as follows:

1. Complainants received West Penn's Interrogatories and Requests for Production of Documents Set I. This document was dated September 14, 2018. It was not received until September 22, 2018 which is 8 days later. The cover letter states: "any objections are due within ten days of service of this letter (September 25, 2018)." Ten days after September 14 is September 24. Since it took 8 days to receive the mailing, West Penn likely did not mail it on September 14 as indicted on the certificate of service.
2. Respondent's cover letter stating that answers to "Interrogatories and Requests for Production of Documents Set I are due within twenty days of service of this letter (October 4, 2018). "Again, the Complainant did not receive this until September 22, 2018 only allowing 12 days to respond.
3. Not only is the request to object within 2 days unreasonable, but to object within 10 days is just as unreasonable given that there were **48 numbered questions and 62 sub-questions for a total of 110 questions**. This is an attempt to intimidate a paying customer just because they oppose the installation of a smart meter.
4. Complainants also object to all the questions as they are too broad and unrelated to the installation of a potential harmful smart meter. Complainants believe that Respondent is violating 52 Pa. Code §5.361 (a)(2) which states, that discovery is not permitted which "Would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party."

Complainants believe the number of questions and content of the questions are an attempt to intimidate and burden and oppress the Complainants.

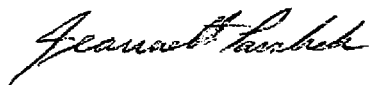
5. Complainants believe that Respondent is violating §5.361 (a)(4) as the number of questions would not be able to be answered in the time demanded.

THEREFORE, since Respondent appears to have the intent to not act in good faith.

Complainants request that:

1. The instant case be resolved in favor of Complainants without further proceeding.
2. The Complainants be granted the accommodation of retaining the analog meter currently on the residence without further attempts of the Respondent to install any type of digital or smart meter at the property.

Respectfully submitted.



Jeannette Pavlick



Craig Pavlick

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JEANNETTE PAVLICK AND CRAIG PAVLICK

v.

Docket No. C- C-2018-3002723

WEST PENN POWER COMPANY

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Reply of Jeannette Pavlick and Craig Pavlick to Interrogatories and Requests for Production of Documents Set I, of West Penn Power Company upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54.

Service by Certified Mail, postage prepaid, as follows:

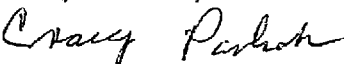
Lauren M. Lepkoski
Tori L. Giesler

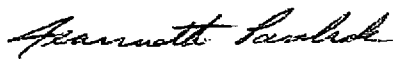
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, PA 19612-6001

And filed with:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
P.O. Box 3265
Harrisburg, PA 17120

Dated: September 27, 2018


Craig Pavlick


Jeannette Pavlick

4200 Colonial Drive
Murrysville, PA 15668
(724) 733-1793

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JEANNETTE AND CRAIG PAVLICK

V.

WEST PENN POWER COMPANY

:
:
:
:
:

Docket No. C-2018-3002723

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Motion to Compel of West Penn Power Company 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:

Jeannette and Craig Pavlick
4200 Colonial Drive
Murrysville, PA 15668

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

Dated: June 28, 2019



Lauren M. Lepkoski
Tori L. Giesler
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