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File #: 166570

July 9, 2019

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Application of Transource Pennsylvania, LLC Filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G, for Approval of the Siting and Construction of the 230 kV Transmission Line Associated with the Independence Energy Connection - East and West Projects in Portions of York and Franklin Counties, Pennsylvania Docket No. A-2017-2640195 & A-2017-2640200

Petition of Transource Pennsylvania, LLC for a finding that a building to shelter control equipment at the Rice Substation in Franklin County, Pennsylvania is reasonably necessary for the convenience or welfare of the public Docket No. P-2018-3001878

Petition of Transource Pennsylvania, LLC for a finding that a building to shelter control equipment at the Furnace Run Substation in York County, Pennsylvania is reasonably necessary for the convenience or welfare of the public Docket No. P-2018-3001883

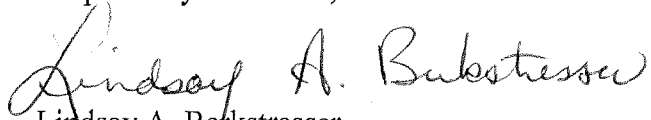
Application of Transource Pennsylvania, LLC for approval to acquire a certain portion of the lands of various landowners in York and Franklin Counties, Pennsylvania for the siting and construction of the 230 kV Transmission Lines associated with the Independence Energy Connection - East and West Projects is necessary or proper for the service, accommodation, convenience or safety of the public - Docket Nos. A-2018-3001881, et al.

Dear Secretary Chiavetta:

Rosemary Chiavetta, Secretary
July 9, 2019
Page 2

Enclosed for filing is the Motion to Compel Answers to Interrogatories and Requests for Production of Documents Propounded by Transource Pennsylvania, LLC – Set IV to Stop Transource Franklin County in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,


Lindsay A. Berkstresser

LAB/jl
Enclosures

cc: Honorable Elizabeth Barnes
Honorable Andrew M. Calvelli
Certificate of Service

CERTIFICATE OF SERVICE

Docket Nos. A-2017-2640195 & A-2017-2640200, *et al.*

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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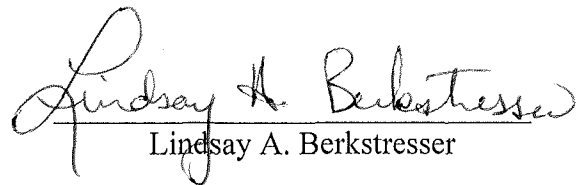
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Airville, PA 17302

Clint Barkdoll
Owls Club, Inc.
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Waynesboro, PA 17268

Date: July 9, 2019


Lindsay A. Berkstresser

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Transource Pennsylvania, LLC :
for approval of the Siting and Construction of :
the 230 kV Transmission Line Associated with : Docket Nos. A-2017-2640195
the Independence Energy Connection-East & : A-2017-2640200
West Projects in Portions of Franklin and York :
Counties, Pennsylvania :

Petition of Transource Pennsylvania, LLC for a :
finding that a building to shelter control :
equipment at the Rice Substation in Franklin : Docket No. P-2018-3001878
County, Pennsylvania is reasonably necessary :
for the convenience or welfare of the public :

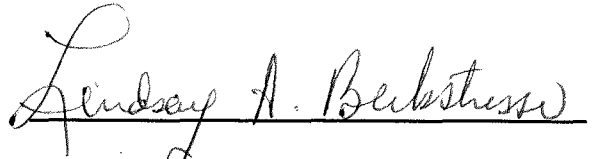
Petition of Transource Pennsylvania, LLC for a :
finding that a building to shelter control :
equipment at the Furnace Run Substation in : Docket No. P-2018-3001883
York County, Pennsylvania is reasonably and :
necessary for the convenience or welfare of the :
public :

Application of Transource Pennsylvania, LLC :
for approval to acquire a certain portion of :
lands of various landowners in York and : Docket Nos. A-2018-3001881, *et al.*
Franklin Counties, Pennsylvania for the siting :
and construction of the 230 kV Transmission :
Line associated with the Independence Energy :
Connection – East and West Projects is :
necessary or proper for the service, :
accommodation, convenience or safety of the :
public :

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO THE PROCEDURAL ORDER ENTERED ON MARCH 28, 2018, IN THE ABOVE-CAPTIONED PROCEEDING, YOU MAY FILE A REPLY TO THE ENCLOSED MOTION TO COMPEL WITHIN THREE (3) DAYS AFTER THE DATE OF SERVICE. YOUR REPLY SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR REPLY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

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Date: July 9, 2019

Attorneys for Transource Pennsylvania, LLC

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Transource Pennsylvania, LLC :
for approval of the Siting and Construction of :
the 230 kV transmission Line Associated with : Docket Nos. A-2017-2640195
the Independence Energy Connection-East & : A-2017-2640200
West Projects in Portions of Franklin and York :
Counties, Pennsylvania :

Petition of Transource Pennsylvania, LLC for a :
finding that a building to shelter control :
equipment at the Rice Substation in Franklin : Docket No. P-2018-3001878
County, Pennsylvania is reasonably necessary :
for the convenience or welfare of the public :

Petition of Transource Pennsylvania, LLC for a :
finding that a building to shelter control :
equipment at the Furnace Run Substation in : Docket No. P-2018-3001883
York County, Pennsylvania is reasonably and :
necessary for the convenience or welfare of the :
public :

Application of Transource Pennsylvania, LLC :
for approval to acquire a certain portion of :
lands of various landowners in York and : Docket Nos. A-2018-3001881, *et al.*
Franklin Counties, Pennsylvania for the siting :
and construction of the 230 kV Transmission :
Line associated with the Independence Energy :
Connection – East and West Projects as :
necessary or proper for the service, :
accommodation, convenience or safety of the :
public :

**MOTION TO COMPEL ANSWERS TO INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS PROPOUNDED BY
TRANSOURCE PENNSYLVANIA, LLC – SET IV TO STOP TRANSOURCE
FRANKLIN COUNTY**

**TO ADMINISTRATIVE LAW JUDGES ELIZABETH H. BARNES AND ANDREW M.
CALVELLI:**

As explained herein, Transource Pennsylvania, LLC (“Transource PA”) hereby files,
pursuant to 52 Pa. Code § 5.342, this Motion to Compel Answers to its Set IV Interrogatories,

Questions 1-6 and 9-10 to Stop Transource Franklin County (“STFC”). The Motion to Compel requests that Administrative Law Judges Elizabeth H. Barnes and Andrew M. Calvelli direct STFC to provide full and complete responses to the Set IV Interrogatories, Questions 1-6 and 9-10 as required by 52 Pa. Code § 5.342(a)(4). In support of its Motion, Transource PA states as follows:

I. BACKGROUND

On June 7, 2019, Transource PA served its Set IV interrogatories on STFC. On June 13, 2019, STFC served objections to Set IV, Questions 1-3, 6, 9 and 10. In its objections, STFC indicated that it would respond to Questions 6, 9 and 10 by providing information that is not privileged and would not require an unreasonable search. STFC did not object to Questions 4, 5, 7 and 8. A copy of STFC’s objections is attached hereto as “Appendix A.” STFC provided responses to Set IV on July 3, 2019. However, STFC did not provide full and complete answers, and the information provided for Questions 1-6 and 9-10 was not responsive to the questions asked. A copy of STFC’s responses is attached hereto as “Appendix B.” Counsel for Transource PA and counsel for STFC agreed that Transource PA would have until July 9, 2019 to file a motion to compel. Therefore, Transource PA is filing this Motion to Compel responses to Set IV, Questions 1-6 and 9-10.

II. LEGAL STANDARD

Pursuant to Section 5.321(c), a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). Parties may also request documents “which are in the possession, custody or control of the party upon whom the request is served.” 52 Pa. Code § 5.349(a)(1). The Commission’s regulations prohibit discovery that would cause unreasonable burden, expense, or delay, or that would cause the answering party to undertake an unreasonable

investigation. 52 Pa. Code § 5.361(a)(2), (4). However, the Commission generally provides wide latitude in discovery matters. *See Pa. P.U.C. v. The Peoples Natural Gas Co.*, 62 Pa. P.U.C. 56 (Order Entered Aug. 26, 1986); *Pa. P.U.C. v. Equitable Gas Co.*, 61 Pa. P.U.C. 468 (Order Entered May 16, 1986).

III. ARGUMENT

A. STFC SHOULD BE COMPELLED TO PROVIDE RESPONSES TO THE SET IV DISCOVERY, QUESTIONS 1, 2 AND 3.

Questions 1, 2 and 3 provide as follows:

1. How many acres of land do Mrs. Rice and her husband (including all companies owned by them) farm in Pennsylvania? Include all land that is owned and/or leased by Mrs. and Mr. Rice.
2. Is all of the land that is farmed by Mrs. and Mr. Rice identified above subject to bio-secure and organic farming practices? If not, how many acres are subject to bio-secure and organic farming practices?
3. Fully explain all farming methods that Mrs. and Mr. Rice employ to ensure that crops grown on their land qualify to be bio-secure and organic.

STFC provided the following responses:

1. Subject to STFC's June 13, 2018 Objections, and to the agreement with Counsel for Transource regarding those Objections, the Rices do own acreage in Pennsylvania. The total amount owned and/or leased is not relevant to the Company's action described in the testimony.
2. Subject to STFC's June 13, 2019 Objections, and to the agreement with counsel regarding those objections, the acreage relevant to Ms. Rice's testimony regarding damage is subject to bio-secure and organic farming practices. By way of further answer, various practices go into bio-security for animals on the farm, which practices are not relevant or related to designation by acreage. Transource is in possession of information from the Site Visit to the Rice farm to observe different areas, including those dedicated to animals.

3. Subject to STFC's June 13, 2019 Objections, and to the agreement with Counsel for Transource regarding those Objections, including requiring a description of "all farming methods" as overbroad, the Rices follow established practices to maintain bio secure practices to avoid undue risk to animals on the property. The majority of visitors to the farm are familiar with bio secure practices and therefore, pose lower risk than the observed Transource personnel, or agents of Transource.

STFC's answers are not responsive to the questions asked. STFC's answer to Question 1 does not provide how many acres the Rices own in Pennsylvania. STFC's answer to Question 2 does not provide the number of acres that are subject to bio-secure practices. In response to Question 3, STFC does not explain the bio-secure farming practices it employs, but rather states that the Rices follow "established" practices without any further explanation of what those practices are. Moreover, while other visitors to the Rice farm may be relevant to the cause of alleged damages and future discovery, whether other visitors to the Rice farm are familiar with bio-secure practices is not responsive to the request here.

STFC objects to Questions 1-3 on the basis that they would require an unreasonable investigation and are unduly burdensome. These requests certainly do not rise to the level of undue burden. Questions 1-3 seek information that is readily available to the Rices and within their control. To provide the total number of acres in Pennsylvania farmed by the Rices, the number of acres that are bio-secure, and a description of their bio-secure farming practices and methods would require very minimal, if any, investigation as this information is already known to the Rices. Transource PA is not requesting that the Rices perform any new analysis, nor is Transource PA seeking any privileged or confidential information.

The Rices are in the best position to know how many acres they farm and the bio-secure farming practices they employ. In its response, STFC claims that the number of acres owned by the Rices and the bio-secure farming practices they employ are not relevant. However, this information is directly relevant to their claim for damages as described in the supplemental surrebuttal testimony of STFC witness Lori Rice. Transource PA cannot possibly assess a claim for damages related to bio-secure areas if it does not know what bio-secure practices are being used and how many acres of the Rice farm are subject to such bio-secure farming practices. Moreover, it is impossible for Transource PA to observe bio-secure practices in certain areas if the Rices refuse to inform Transource PA what those bio-secure practices are and where they are applied. STFC cannot be permitted to submit testimony alleging damages on the Rice farm and then refuse to provide information that is crucial to assessing that claim. Given the high degree of relevancy of the information sought and the relatively minimal effort that would be required to provide the information, STFC should be compelled to fully answer Questions 1-3.

B. STFC SHOULD BE COMPELLED TO PROVIDE A RESPONSE TO THE SET IV DISCOVERY, QUESTION 4

Question 4 provides as follows:

4. Re Rice Exhibit A. Please provide the name and contact information for the photographer who took the photos.

STFC provided the following response:

4. Subject to the Objections filed on June 13, 2018, the photos are personal photos taken with a cellphone. Transource is already in possession of the contact information for the Rices.

By simply stating that the photos were taken with a personal cellphone and that Transource PA already has contact information for the Rices, STFC has not provided the information requested. The response does not indicate the name or contact information of the

person who took the photos, and therefore, STFC's response does not answer the question asked. STFC did not object to Question 4 and the information sought is highly relevant to evaluating STFC's damage claim and is reasonably likely to lead to the discovery of admissible evidence. Transource PA is entitled to know the name and contact information of the person who took the photos that STFC has submitted as an exhibit to its testimony in this proceeding. Therefore, STFC should be compelled to fully answer Question 4.

C. STFC SHOULD BE COMPELLED TO PROVIDE A RESPONSE TO THE SET IV DISCOVERY, QUESTIONS 5 AND 6

Questions 5 and 6 provide as follows:

5. Fully explain all fencing, signing and other security that Mrs. And Mr. Rice have installed to protect the areas they claim are bio-secure.
6. Are there any signs on Mrs. and Mr. Rice's property indicating that a particular area is bio-secure? If yes:
 - a) identify the area in which each sign is located;
 - b) describe the contents of each sign; and
 - c) provide the date on which the sign was posted

STFC provided the following responses:

5. Subject to STFC's June 13, 2019 Objections, and to the agreement with Counsel for Transource regarding those Objections, see response to No. 4 [sic]. By way of further answer, fencing signing and other security is not a requirement for bio-secure farming. Various portions of the Rice's property is fenced, unrelated to bio-secure practices.
6. Subject to STFC's June 13, 2019 Objections, and to the agreement with Counsel for Transource regarding those Objections, see Response to No. 6 [sic] regarding requirements.

By stating in response to Question 5 that fencing and signing is not a requirement for bio-secure farming and that various portions of the Rice's property are fenced, unrelated to bio-

secure practices, STFC has provided a response that does not answer the questions asked. Transource PA did not ask whether fencing and signing is *required*. STFC did not object to Question 5, and the information sought is highly relevant to the Rices' claim that Transource PA did not follow bio-secure practices on their property and is reasonably likely to lead to the discovery of admissible evidence.

STFC also did not provide a responsive answer to Question 6. STFC objected to Question 6 on the basis that it would require an unreasonable investigation. However, the Rices are in the best position to know where and when they posted signs, if any, on their own property. Moreover, this information should be already known to the Rices or readily available to them. Therefore, STFC should be compelled to fully answer Questions 5 and 6.

D. STFC SHOULD BE COMPELLED TO PROVIDE A RESPONSE TO THE SET IV DISCOVERY, QUESTIONS 9 AND 10

Questions 9 and 10 provide as follows:

9. Please describe any actions that Mr. and Mrs. Rice or their representatives took to prevent the alleged trespass.
10. Please describe any actions that Mr. and Mrs. Rice or their representatives took to minimize the alleged damages.

STFC provided the following responses:

9. Subject to STFC's June 13, 2019 Objections, and to the agreement with Counsel for Transource regarding those Objections, the Rices have no obligations to prevent trespasses on their property. Further, almost any action that a property owner might take on their own private property, such as filing in the Franklin County Court of Common Pleas in opposition to the Transource's request for sampling, could be characterized as preventing alleged trespass.

10. Subject to STFC's June 13, 2019 Objections, and to the agreement with Counsel for Transource regarding those Objections, see response to No. 9. By way of further answer, the Rices continue normal farming operations where possible in a manner that minimized spread of damage from alterations to the land caused by the trespass.

STFC's answers are not responsive to the information requested in Questions 9 and 10. Transource PA did not ask whether the Rices have an *obligation* to prevent trespasses. Rather, Transource PA asked what, if anything, the Rices did to prevent the specific trespass alleged in Ms. Rice's testimony and to minimize damages from the alleged trespass. Simply stating that the Rices acted in a manner to minimize the spread of alleged damage without any further information as to what the Rices did is not responsive.

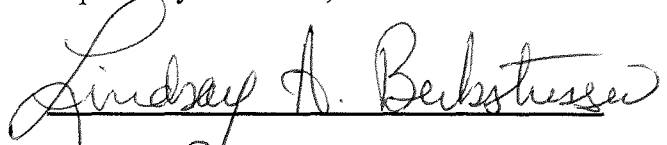
STFC objected to Questions 9 and 10 on several grounds. According to STFC, Questions 9 and 10 could cause an unreasonable burden, expense and annoyance to the Rices. STFC also objected on the basis that the requests are overly broad because they ask that the Rices explain "each and every action engaged in to prevent a trespass." Questions 9 and 10 are not overly broad or unduly burdensome because they are limited to the trespass alleged in Ms. Rice's supplemental surrebuttal testimony. STFC cannot submit testimony alleging trespass but then refuse to answer questions directly related to allegations in its testimony. Further, it is unreasonable to suggest that Questions 9 and 10 are designed to annoy the Rices or that answering the Questions would somehow cause the Rices to incur unreasonable expense. Questions 9 and 10 simply ask the Rices to describe what actions, if any, the Rices or their representatives took to prevent the trespass alleged in Ms. Rice's testimony and what actions, if any, were taken to minimize the alleged damages. Questions 9 and 10 are directly relevant to whether the alleged damages are the result of actions by others; whether Mrs. and Mr. Rice, or

their representatives, had the last clear chance to avoid the alleged damages; and whether Mrs. and Mr. Rice, or their representatives, had an opportunity to mitigate the alleged damages. Therefore, STFC should be compelled to fully answer Questions 9 and 10.

IV. CONCLUSION

WHEREFORE, for the foregoing reasons, Transource Pennsylvania, LLC respectfully requests that Administrative Law Judges Elizabeth H. Barnes and Andrew M. Calvelli grant this Motion to Compel and order Stop Transource Franklin County to fully answer Set IV Interrogatories, Questions 1-6 and 9-10.

Respectfully submitted,



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Date: July 9, 2019

Attorneys for Transource Pennsylvania, LLC

Appendix “A”

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Transource Pennsylvania, LLC	:	
Filed Pursuant to 52 Pa. Code Chapter 57,	:	Docket No. A-2017-2640195
Subchapter G, for Approval of the Siting and	:	Docket No. A-2017-2640200
Construction of the 230 kV Transmission Line	:	
Associated with the Independence Energy	:	
Connection-East and West Projects in Portions of	:	
York and Franklin Counties, Pennsylvania	:	
Petition of Transource Pennsylvania, LLC	:	
for a finding that a building to shelter control	:	P-2018-3001878
equipment at the Rice Substation in Franklin	:	
County, Pennsylvania is reasonably necessary for	:	
the convenience or welfare of the public.	:	
Petition of Transource Pennsylvania, LLC	:	
for a finding that a building to shelter control	:	P-2018-3001883
equipment at the Furnace Run Substation in York	:	
County, Pennsylvania is reasonably necessary for	:	
the convenience or welfare of the public.	:	
Application of Transource Pennsylvania, LLC	:	
for approval to acquire a certain portion of the lands	:	A-2018-3001881,
of various landowners in York and Franklin	:	<i>et al.</i>
Counties, Pennsylvania for the siting and	:	
Construction of the 230 kV Transmission Line	:	
associated with the Independence Energy	:	
Connection – East and West Projects as necessary	:	
or proper for the service, accommodation,	:	
convenience or safety of the public.	:	

**OBJECTIONS OF STOP TRANSOURCE FRANKLIN COUNTY TO
INTERROGATORIES AND DOCUMENT REQUESTS OF TRANSOURCE
PENNSYLVANIA, LLC– SET IV**

Subject to the General Objections set forth below, and pursuant to Pa. Code § 5.342 and the Procedural Orders in these proceedings, Stop Transource Franklin County (“STFC”), by and through its undersigned counsel, submits these specific Objections to Interrogatories and Document Requests, Set IV of Transource Pennsylvania LLC (“Transource”).

GENERAL OBJECTIONS

1. STFC objects to these Interrogatories and Document Requests to the extent that they seek disclosure of any information subject to the attorney-client privilege, co-client privilege, or the work product doctrine, (including but not limited to any extensions of such privileges and doctrines, including the joint defense/common interest privileges) and to the extent they seek the production of any trial or hearing preparation materials.
2. STFC objects to all Interrogatories and Document Requests to the extent that they seek information or documents that were prepared in anticipation of litigation and constitute the mental impressions, conclusions, opinions, memoranda, notes or summaries, legal research, or legal theories of STFC’ counsel, and/or the mental impressions, conclusions, or opinions of a representative of STFC or STFC’ counsel respecting the value or merit of a claim or defense or respecting strategy or tactics.
3. STFC objects to the production or disclosure of any other document or information that is protected by any other privilege or immunity.
4. STFC objects to these Interrogatories and Document Requests to the extent that they are overbroad, oppressive, invasive, or impose unnecessary and unreasonable expense.
5. STFC objects to these Interrogatories and Document Requests to the extent that they are vague and ambiguous.
6. STFC objects to these Interrogatories and Document Requests to the extent that the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other

source or manner that is more convenient, less burdensome, or less expensive, including the files of utilities certificated in Pennsylvania and/or Transource.

7. STFC objects to these Interrogatories and Document Requests to the extent that they may be construed to request information or documents unknown to STFC, or to request information contained in documents not in STFC' possession, custody, or control.

8. STFC objects to these Interrogatories and Document Requests to the extent that the information sought by them has already been provided in the proceeding, or is publicly available.

10. STFC reserves the right to challenge the competency, relevance, materiality, and/or admissibility, or objects to on any grounds, the use of the information provided in response to any discovery requests served by Transource. In providing any information and/or documents in response to the discovery requests of Transource, STFC does not concede the competency, relevancy, materiality, and/or admissibility of the subject matter to which the request refers, nor does STFC waive or intend to waive any objections as to same at the time of hearing.

STFC objects specifically to Set IV of the Interrogatories and Document Request ("Interrogatories") because they require discovery beyond the scope permitted in the Commission's regulations at 52 Pa. Code 5.361, creating an unreasonable burden or unreasonable investigation for STFC and its witnesses.

I. OBJECTIONS TO TRANSOURCE SET IV No. 1 and 3.

STFC objects to Interrogatories Nos. 1, 2 and 3 on Set IV. The Interrogatories state:

1. How many acres of land do Mrs. Rice and her husband (including all companies owned by them) farm in Pennsylvania? Include all land that is owned and/or leased by Mrs. And Mr. Rice.
2. Is all of the land that is farmed by Mrs. And Mr. Rice identifies above subject to bio-secure farming and organic farming

practices? If not, how many acres are subject to bio-secure and organic farming practices?

3. Fully explain all farming methods that Mrs. And Mr. Rice employ to ensure that crops grown on their land qualify to be bio-secure and organic.

Pursuant to the Commission's regulations at 52 Pa. Code 5.321, a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding. But, discovery is prohibited where it would cause unreasonable burden, expense or delay, or that would cause the responding part to undertake an unreasonable investigation. 52 Pa. Code 5.361(a)(2),(4). The Commission's regulations at 52 Pa. Code § 5.361 limit the scope of discovery:

- (a) Discovery is not permitted which:
 - (1) is sought in bad faith.
 - (2) *would cause unreasonable annoyance, embarrassment, oppression, burden, or expense to the deponent, a person or party.*
 - (3) Relates to a matter which is privileged.
 - (4) *Would require the making of an unreasonable investigation by the deponent, a party or witness.*

Transource's discovery requests are not permitted to require STFC as the answering party to make "an unreasonable investigation," nor should they cause unreasonable burden or expense. Here discovery requests No. 1-3 are objectionable to the extent that they require STFC and the Rices to conduct a full audit of all land owned by the Rices in Pennsylvania. Further, to the extent that the term "farming methods" is unreasonably broad or ambiguous, STFC objects.

II. OBJECTIONS TO TRANSOURCE SET IV. Nos. 9 and 10.

Transource's Interrogatories Set IV, Nos. 9 and 10 seek:

9. Please describe any actions that Mr. and Mrs. Rice or their representatives took to prevent the alleged trespass.

10. Please describe any actions that any actions [sic] that Mr. and Mrs. Rice or their representatives took to minimize the alleged damages.

STFC objects to these requests to the extent that it could cause an unreasonable burden, and to the extent they are designed to cause annoyance or unreasonable expense to STFC the Rices. The requests are overly broad and demand that the Rices explain each and every action engaged in to prevent a trespass on private property. To the extent that No. 10 is ambiguous, STFC objects.. Also the interrogatories request material that may be protected by privilege, constitute an attorney-client communication or is protected by work product doctrine. STFC will provide any responsive information that is not privileged and does not require an unreasonable or unduly burdensome search.

III. OBJECTION TO TRANSOURCE SET IV No 6.

Interrogatory No. 6 seeks:

6. Are there any signs [sic] on Mrs. And Mr. Rice's property indicating that a particular area is bio-secure?

If yes:

- a) identify the area in which each sign is located;
- b) described the contents of each sign; and
- c) provide the date on which the sign was posted.

STFC objects to Interrogatory No 6 Set IV to the extent that it would require STFC and the Rices undertake an unreasonable investigation and data compilation as to the dates any signs were posted. STFC will provide any information that doesn't require an unreasonable investigation.

VI. CONCLUSION

Wherefore, Stop Transource Franklin County objects to the above Interrogatories and Document Requests for being outside of the scope of discovery allowed in this proceeding.

CURTIN & HEEFNER LLP



By: _____

Jordan B. Yeager (Pa. I.D. No. 72947)
Mark L. Freed (Pa. I.D. No.63860)
Joanna A. Waldron (Pa. I.D. No. 84768)
2005 South Easton Road, Suite 100
Doylestown, PA 18901

Dated: June 13, 2019

Appendix “B”

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Transource Pennsylvania, LLC for :
approval of the Siting and Construction of the 230 :
kV Transmission Line Associated with the : Docket Nos. A-2017-2640195
Independence Energy Connection-East & West : A-2017-2640200
Projects in Portions of Franklin and York Counties, :
Pennsylvania :

Petition of Transource Pennsylvania, LLC for a :
finding that a building to shelter control equipment :
at the Rice Substation in Franklin County, : Docket No. P-2018-3001878
Pennsylvania is reasonably necessary for the :
convenience or welfare of the public :

Petition of Transource Pennsylvania, LLC for a :
finding that a building to shelter control equipment :
at the Furnace Run Substation in York County, : Docket No. P-2018-3001883
Pennsylvania is reasonably and necessary for the :
convenience or welfare of the public :

Application of Transource Pennsylvania, LLC for :
approval to acquire a certain portion of lands of :
various landowners in York and Franklin Counties, : Docket Nos. A-2018-3001881, *et al.*
Pennsylvania for the siting and construction of the :
230 kV Transmission Line associated with the :
Independence Energy Connection – East and West :
Projects is necessary or proper for the service, :
accommodation, convenience or safety of the :
public :
:

**RESPONSES OF STOP TRANSOURCE FRANKLIN COUNTY TO THE
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS OF
TRANSOURCE, PA, LLC – SET IV**

Pursuant to the Commission regulations, and subject to the earlier filed objections, Stop Transource Franklin County (“STFC”), by and through its undersigned counsel, submits Responses to the Interrogatories and Document Requests, Set IV of Transource Pennsylvania LLC (“Transource” or “Company”), Nos. 1 through 10.

Application of Transource Pennsylvania, LLC for :
approval of the Siting and Construction of the 230 :
kV Transmission Line Associated with the : Docket Nos. A-2017-2640195
Independence Energy Connection-East & West : A-2017-2640200
Projects in Portions of Franklin and York Counties, :
Pennsylvania :

Transource to STFC Witness Lori Rice-IV-1

1. How many acres of land do Mrs. Rice and her husband (including all companies owned by them) farm in Pennsylvania? Include all land that is owned and/or leased by Mrs. and Mr. Rice.

Answer:

Subject to STFC's June 13, 2018 Objections, and to the agreement with Counsel for Transource regarding those Objections, the Rices do own acreage in Pennsylvania. The total amount owned and/or leased is not relevant to the Company's action described in the testimony.

Application of Transource Pennsylvania, LLC for :
approval of the Siting and Construction of the 230 :
kV Transmission Line Associated with the : Docket Nos. A-2017-2640195
Independence Energy Connection-East & West : A-2017-2640200
Projects in Portions of Franklin and York Counties, :
Pennsylvania :

Transource to STFC Witness Lori Rice-IV-2

2. Is all of the land that is farmed by Mrs. and Mr. Rice identified above subject to bio-secure and organic farming practices? If not, how many acres are subject to bio-secure and organic farming practices?

Answer:

Subject to STFC's June 13, 2019 Objections, and to the agreement with counsel regarding those objections, the acreage relevant to Ms. Rice's testimony regarding damage is subject to bio-secure and organic farming practices. By way of further answer, various practices go into bio-security for animals on the farm, which practices are not relevant or related to designation by acreage. Transource is in possession of information from the Site Visit to the Rice farm to observe different areas, including those dedicated to animals.

Application of Transource Pennsylvania, LLC for :
approval of the Siting and Construction of the 230 :
kV Transmission Line Associated with the : Docket Nos. A-2017-2640195
Independence Energy Connection-East & West : A-2017-2640200
Projects in Portions of Franklin and York Counties, :
Pennsylvania :

Transource to STFC Witness Lori Rice-IV-3

3. Fully explain all farming methods that Mrs. and Mr. Rice employ to ensure that crops grown on their land qualify to be bio-secure and organic.

Answer:

Subject to STFC's June 13, 2019 Objections, and to the agreement with Counsel for Transource regarding those Objections, including requiring a description of "all farming methods" as overbroad, the Rice follow established practices to maintain bio secure practices to avoid undue risk to animals on the property. The majority of visitors to the farm are familiar with bio secure practices and therefore, pose lower risk than the observed Transource personnel, or agents of Transource.

Application of Transource Pennsylvania, LLC for :
approval of the Siting and Construction of the 230 :
kV Transmission Line Associated with the : Docket Nos. A-2017-2640195
Independence Energy Connection-East & West : A-2017-2640200
Projects in Portions of Franklin and York Counties, :
Pennsylvania :

Transource to STFC Witness Lori Rice-IV-4

4. Re Rice Exhibit A. Please provide the name and contact information for the photographer who took the photos.

Answer:

Subject to the Objections filed on June 13, 2018, the photos are personal photos taken with a cellphone. Transource is already in possession of the contact information for the Rices.

Application of Transource Pennsylvania, LLC for :
approval of the Siting and Construction of the 230 :
kV Transmission Line Associated with the : Docket Nos. A-2017-2640195
Independence Energy Connection-East & West : A-2017-2640200
Projects in Portions of Franklin and York Counties, :
Pennsylvania :

Transource to STFC Witness Lori Rice-IV-5

5. Fully explain all fencing, signing and other security that Mrs. and Mr. Rice have installed to protect the areas they claim are bio-secure.

Answer:

Subject to STFC's June 13, 2019 Objections, and to the agreement with Counsel for Transource regarding those Objections, see response to No. 4. By way of further answer, fencing, signing and other security is not a requirement for bio-secure farming. Various portions of the Rice's property is fenced, unrelated to bio-secure practices.

Application of Transource Pennsylvania, LLC for :
approval of the Siting and Construction of the 230 :
kV Transmission Line Associated with the : Docket Nos. A-2017-2640195
Independence Energy Connection-East & West : A-2017-2640200
Projects in Portions of Franklin and York Counties, :
Pennsylvania :

Transource to STFC Witness Lori Rice-IV-6

6. Are there any signs [sic] on Mrs. And Mr. Rice's property indicating that a particular area is bio-secure? If yes:
- a) identify the area in which each sign is located
 - b) describe the contents of each sign; and
 - c) provide the date on which the sign was posted

Answer:

Subject to STFC's June 13, 2019 Objections, and to the agreement with Counsel for Transource regarding those Objections, see Response to No. 6 regarding requirements.

Application of Transource Pennsylvania, LLC for :
approval of the Siting and Construction of the 230 :
kV Transmission Line Associated with the : Docket Nos. A-2017-2640195
Independence Energy Connection-East & West : A-2017-2640200
Projects in Portions of Franklin and York Counties, :
Pennsylvania :

Transource to STFC Witness Lori Rice-IV-7

7. Re Rice Exhibit B. Please provide the sources for the following:

- a) 95 bushel per acre estimate for wheat
- b) \$4.85 per bushel of wheat
- c) 4 ton of straw per acre estimate
- d) \$185 per ton estimate for straw
- e) 50 bushels per acre estimate for soybeans
- f) \$8.94 per bushel of soybeans
- g) \$20 per acre estimate for spring cover crop burn
- h) \$40 per acre for summer cover crop plant
- i) \$20 per acre for summer cover crop burn
- j) \$40 per acre for fall cover crop plant
- k) \$0.05 per head of cattle increased feeding cost
- l) 50 hour estimate per year for implementation costs
- m) \$100 per hour estimate for implementation costs

Answer:

Subject to STFC's June 13, 2019 Objections, and to the agreement with Counsel for Transource regarding those Objections, the estimates are based on years of farming experience and Rices' personal knowledge of applicable prices of the relevant items.

Application of Transource Pennsylvania, LLC for :
approval of the Siting and Construction of the 230 :
kV Transmission Line Associated with the : Docket Nos. A-2017-2640195
Independence Energy Connection-East & West : A-2017-2640200
Projects in Portions of Franklin and York Counties, :
Pennsylvania :

Transource to STFC Witness Lori Rice-IV-8

8. Did you communicate in any manner to Transource PA representatives that your farm was subject to bio-secure farming practices? If yes,

- a) Provide the date of all such communications;
- b) Identify all Transource representatives that you communicated with;
- c) Summarize all such communications; and
- d) Provide copies of all written communications, if any.

Answer:

Subject to STFC's June 13, 2019 Objections, and to the agreement with Counsel for Transource regarding those Objections, no. However, Transource would have information more readily accessible than the Rices about communications.

Application of Transource Pennsylvania, LLC for :
approval of the Siting and Construction of the 230 :
kV Transmission Line Associated with the : Docket Nos. A-2017-2640195
Independence Energy Connection-East & West : A-2017-2640200
Projects in Portions of Franklin and York Counties, :
Pennsylvania :

Transource to STFC Witness Lori Rice-IV-9

9. Please describe any actions that Mr. and Mrs. Rice or their representatives took to prevent the alleged trespass.

Answer:

Subject to STFC's June 13, 2019 Objections, and to the agreement with Counsel for Transource regarding those Objections, the Rices have no obligations to prevent trespasses on their property. Further, almost any action that a property owner might take on their own private property, such as filing in the Franklin County Court of Common Pleas in opposition to the Transource's request for sampling, could be characterized as preventing alleged trespass.

Application of Transource Pennsylvania, LLC for :
approval of the Siting and Construction of the 230 :
kV Transmission Line Associated with the : Docket Nos. A-2017-2640195
Independence Energy Connection-East & West : A-2017-2640200
Projects in Portions of Franklin and York Counties, :
Pennsylvania :

Transource to STFC Witness Lori Rice-IV-10

10. Please describe any actions that any actions that Mr. and Mrs. Rice or their representatives took to minimize the alleged damages.

Answer:

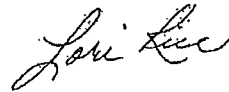
Subject to STFC's June 13, 2019 Objections, and to the agreement with Counsel for Transource regarding those Objections, see response to No 9. By way of further answer, the Rices continue normal farming operations where possible in a manner that minimized spread of damage from alterations to the land caused by the trespass.

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Transource Pennsylvania, LLC	:	
for approval of the Siting and Construction of the	:	A-2017-2640195
230 kV Transmission Line Associated with the	:	A-2017-2640200
Independence Energy Connection - East and West	:	
Projects in portions of York and Franklin Counties,	:	
Pennsylvania.	:	
Petition of Transource Pennsylvania, LLC	:	
for a finding that a building to shelter control equipment	:	P-2018-3001878
at the Rice Substation in Franklin County, Pennsylvania	:	
is reasonably necessary for the convenience or welfare	:	
of the public.	:	
Petition of Transource Pennsylvania, LLC for a finding	:	
That a building to shelter control equipment at the	:	
Furnace Run Substation in York County, Pennsylvania	:	
is reasonably necessary for the convenience	:	P-2018-3001883
or welfare of the public.	:	
Application of Transource Pennsylvania, LLC	:	
for approval to acquire a certain portion of the lands	:	
of various landowners in York and Franklin Counties,	:	
Pennsylvania for the siting and construction of the	:	A-2018-3001881, et al.
230 kV Transmission Line associated with the	:	
Independence Energy Connection – East and West	:	
Projects as necessary or proper for the service,	:	
accommodation, convenience or safety of the public.	:	

VERIFICATION

I, Lori Rice, am the President of Stop Transource Franklin County. I hereby state that the facts set forth herein are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements made herein are subject to the penalties of 18 Pa.C.S. Section 4904 concerning unsworn falsification to authorities.



Lori Rice
Stop Transource Franklin County
1430 Henry Lane
Chambersburg, PA 17202

Date: 7/3/2019