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July 17, 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: Dana Brennan v. PPL Electric Utilities Corporation
Docket No. C-2019-3007121

Dear Secretary Chiavetta:

Enclosed for filing is the Motion of PPL Electric Utilities Corporation to Compel Responses to Discovery Propounded on Dana Brennan – Set I in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Devin Ryan

DTR/dmc
Enclosure

cc: Honorable Elizabeth Barnes (*w/enclosure*)
Certificate of Service

CERTIFICATE OF SERVICE

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).

VIA EMAIL & REGULAR MAIL

Dana Brennan
16 Oslo Way
Newfoundland, PA 18445
jndbrennan@gmail.com

Date: July 17, 2019



Devin T. Ryan

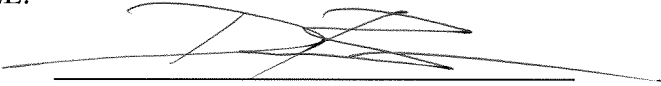
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Dana Brennan,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2019-3007121
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.342(g)(1), YOU MAY FILE A REPLY TO THE ENCLOSED MOTION TO COMPEL WITHIN FIVE (5) 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 17, 2019

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Dana Brennan,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2019-3007121
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**MOTION OF PPL ELECTRIC UTILITIES CORPORATION TO
COMPEL RESPONSES TO
DISCOVERY PROPOUNDED ON DANA BRENNAN – SET I**

TO ADMINISTRATIVE LAW JUDGE ELIZABETH H. BARNES:

Pursuant to 52 Pa. Code §§ 5.342(g) and 5.349(d), PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby files this Motion to Compel Responses to Discovery Propounded on Dana Brennan (“Complainant”) – Set I. In support of its Motion, PPL Electric states as follows:

I. INTRODUCTION

1. On June 12, 2019, PPL Electric served Interrogatories and Requests for Production of Documents on the Complainant – Set I (“PPL to Complainant Set I”) via email and certified mail. A true and correct copy of PPL to Complainant Set I is attached hereto and marked as **Appendix A**.

2. Pursuant to the Commission’s regulations, objections to PPL to Complainant Set I were due on or before June 24, 2019, and responses were due on or before July 2, 2019.

3. The Complainant never served any objections to PPL to Complainant Set I by June 24, 2019.

4. On July 3, 2019, the Complainant served her responses to PPL to Complainant Set I. However, the Complainant refused to provide or did not provide the information and materials requested in PPL to Complainant Set I, Questions 2, 3, 4, and 7. A true and correct copy of the Complainant's responses PPL to Complainant Set I is attached hereto and marked as **Appendix B**.

5. On July 16, 2019, counsel for PPL Electric sent the Complainant a detailed email about the deficiencies with the discovery responses.

6. As of filing this Motion, the Complainant has not responded to the Company's email about the deficiencies in her discovery responses.

7. To date, the Complainant has never sent complete responses to PPL to Complainant Set I, Questions 2, 3, 4, and 7.

II. MOTION TO COMPEL

8. PPL Electric requests that Administrative Law Judge Elizabeth H. Barnes ("ALJ") compel responses to PPL to Complainant Set I, Questions 2, 3, 4, and 7.

9. Under 52 Pa. Code § 5.321(c), a party is entitled to obtain discovery of any matter not privileged that is relevant to the pending proceeding, or any matter that is reasonably calculated to lead to the discovery of admissible evidence. Discovery is permitted regardless of whether the information sought "relates to the claim or defense of the party seeking discovery or to the claim or defense of another party." *Id.*

10. Objections to interrogatories and requests for production of documents must be served within 10 days of the date the discovery was served. 52 Pa. Code §§ 5.342(e), 5.349(d). Objecting parties remain under an obligation to provide timely answers to interrogatories or

subparts of interrogatories to which they did not object. *Id.* § 5.342(f). Further, objections must be contained in a document separate from an answer. *Id.* §§ 5.342(c), 5.349(d).¹

11. Answers to written interrogatories must “[a]nswer each interrogatory fully and completely unless an objection is made.” *Id.* § 5.342(a)(4). Answers must be served within 20 days after service of the interrogatories. *Id.* § 5.342(d).

12. Similarly, a party shall serve a response to a request for documents within 20 days after the service of the request. *Id.* § 5.349(d). The requesting party may move to compel a response to a request for documents with respect to a failure to respond to the request. *See id.*

13. As explained herein, the Complainant has failed to comply with the Commission’s discovery rules by failing to provide full and complete responses to PPL to Complainant Set I, Questions 2, 3, 4, and 7 and produce the documents sought by these requests.

14. For the reasons stated in more detail below, the ALJ should direct the Complainant to answer fully PPL to Complainant Set I, Questions 2, 3, 4, and 7. Moreover, should the ALJ grant PPL Electric’s Motion to Compel and the Complainant fail to timely provide full and complete responses to Complainant Set I, Questions 2, 3, 4, and 7, PPL Electric intends to file a Motion for Sanctions pursuant to 52 Pa. Code §§ 5.371(a) and 5.372(a).

A. PPL TO COMPLAINANT SET I, QUESTION 2

15. PPL to Complainant-I-2 requests the following:

Please identify all wireless phones, cellphones, microwaves, wireless routers, wifi networks, tablets, computers, Bluetooth speakers, wireless security systems, smart speakers (*e.g.*, Amazon Echo), garage door openers, baby monitors, and walkie talkies that are contained in or used in the house.

16. The Complainant’s response to PPL to Complainant-I-2 states:

¹ The Complainant did not serve objections to discovery. Therefore, Complainant’s failure to provide full and complete responses to discovery requests operate, in effect, as untimely objections.

Under our Constitutional right to privacy this information is unavailable. However if you are trying to make connections to our usage to other equipment that we may or may not have we must remind you that any device that could have been purchased was by choice not by force as PPL Electric Utilities Corporation is doing with the smart meter installation. Additionally, other devices such as a cell phone, microwave, wifi, etc., all come with a warning advertising that there is a risk of being harmful to ones [sic] health such as cancer, brain tumor, breast cancer, etc. It seems that PPL Electric Utilities Corporation had purposely excluded this warning of the danger of smart meters to the general public. Additionally, all of the devices mentioned can be physically turned off and the risk ended. Whereas the smart meter has electrical pulsations going through our home 24 hours a day, 7 days a week, 365 days a year. Therefore, we are being bombarded continuously by EMF.

17. As explained above, Section 5.342(a)(4) requires a party to fully and completely answer an interrogatory. 52 Pa. Code § 5.342(a)(4). In addition, a party has a duty to amend its prior responses to discovery requests when the information contained therein is incomplete. *Id.* § 5.332(2).

18. The response served by the Complainant was non-responsive and incomplete because she refused to answer the question on the grounds that providing this information would violate “our Constitutional right to privacy.”

19. However, the deadline to serve any objections was June 24, 2019.

20. The Complainant’s response was served on July 3, 2019.

21. Therefore, the Complainant waived her right to object to this interrogatory.

22. In addition, PPL Electric’s interrogatory does not and cannot violate the Complainant’s constitutional right to privacy.

23. For there to be a deprivation of constitution rights, two elements must be met: (1) “the deprivation must be caused by the exercise of some right or privilege created by the state”; and (2) “the party charged with the deprivation must be a person who may fairly said to be a state actor.” *Commonwealth v. Corley*, 491 A.2d 829, 832 (Pa. 1985) (emphasis added) (quoting

Lugar v. Edmonson Oil Co., 457 U.S. 922, 937 (1982)); see *Commonwealth v. Demor*, 942 A.2d 898, 899-900 (Pa. Super. 2008) (applying principles outlined in *Corley* to Fourth Amendment analysis); *W. Pa. Socialist Workers 1982 Campaign v. Conn. General Life Ins. Co.*, 485 A.2d 1, 5-6 (Pa. Super. 1984) (“[T]he search and seizure provisions of Article 1, section 8, have been held inapplicable to the conduct of private parties.”) (citations omitted).

24. Here, PPL Electric is a utility corporation, not a state actor. In *Jackson v. Metropolitan Edison Co.*, the U.S. Supreme Court found that a fellow Pennsylvania electric utility, *i.e.*, Metropolitan Edison Company, was not a state actor, even though it arguably had “monopoly power” and “provided an essential public service required to be supplied on a reasonably continuous basis.” *Jackson v. Metropolitan Edison Co.*, 419 U.S. 345, 351-53 (1974). Therefore, in keeping with the U.S. Supreme Court’s holding in *Jackson*, PPL Electric similarly is not a state actor.

25. Thus, PPL Electric cannot, by propounding this interrogatory and demanding a response, violate the Complainant’s constitutional rights.

26. Moreover, the information requested about Complainant’s exposure to other devices that emit radio frequency (“RF”) fields is highly relevant to the issues raised in the case.

27. The Complainant claims that she has health concerns about RF fields from AMI meters. As the testimony of PPL Electric’s expert witness on RF exposures – Dr. Christopher Davis – will demonstrate, however, the RF exposure received from use of a cell phone and other devices is far higher than from an AMI meter.

28. In fact, in the Formal Complaint, the Complainant provided a cell phone number. (Complaint ¶ 1.)

29. PPL Electric is entitled to show how the RF exposures from the Complainant's devices and appliances, including any cell phones, compare to those from the AMI meter.

30. For these reasons, the ALJ should direct the Complainant to answer fully PPL to Complainant Set I, Question 2.

B. PPL TO COMPLAINANT SET I, QUESTION 3

31. PPL to Complainant-I-3 requests the following:

Please state whether you or any member of your household uses a cell phone. If so, please provide the make and model of each cell phone and, for each phone identified, provide 12 months of phone bills or other records of actual cell phone usage.

32. The Complainant's response to PPL to Complainant-I-3 states:

Under our Constitutional rights to privacy this information is unavailable. This is answered in I-2.

33. As explained above, Section 5.342(a)(4) requires a party to fully and completely answer an interrogatory. 52 Pa. Code § 5.342(a)(4). In addition, a party has a duty to amend its prior responses to discovery requests when the information contained therein is incomplete. *Id.* § 5.332(2).

34. The response served by the Complainant was non-responsive and incomplete because she refused to answer the question on the grounds that providing this information would violate "our Constitutional rights to privacy."

35. However, the deadline to serve any objections was June 24, 2019.

36. The Complainant's response was served on July 3, 2019.

37. Therefore, the Complainant waived her right to object to this interrogatory.

38. In addition, PPL Electric's interrogatory does not and cannot violate the Complainant's constitutional right to privacy.

39. For there to be a deprivation of constitution rights, two elements must be met: (1) “the deprivation must be caused by the exercise of some right or privilege created by the state”; and (2) “the party charged with the deprivation must be a person who may fairly said to be a state actor.” *Commonwealth v. Corley*, 491 A.2d 829, 832 (Pa. 1985) (emphasis added) (quoting *Lugar v. Edmonson Oil Co.*, 457 U.S. 922, 937 (1982)); see *Commonwealth v. Demor*, 942 A.2d 898, 899-900 (Pa. Super. 2008) (applying principles outlined in *Corley* to Fourth Amendment analysis); *W. Pa. Socialist Workers 1982 Campaign v. Conn. General Life Ins. Co.*, 485 A.2d 1, 5-6 (Pa. Super. 1984) (“[T]he search and seizure provisions of Article 1, section 8, have been held inapplicable to the conduct of private parties.”) (citations omitted).

40. Here, PPL Electric is a utility corporation, not a state actor. In *Jackson v. Metropolitan Edison Co.*, the U.S. Supreme Court found that a fellow Pennsylvania electric utility, *i.e.*, Metropolitan Edison Company, was not a state actor, even though it arguably had “monopoly power” and “provided an essential public service required to be supplied on a reasonably continuous basis.” *Jackson v. Metropolitan Edison Co.*, 419 U.S. 345, 351-53 (1974). Therefore, in keeping with the U.S. Supreme Court’s holding in *Jackson*, PPL Electric similarly is not a state actor.

41. Thus, PPL Electric cannot, by propounding this interrogatory and demanding a response, violate the Complainant’s constitutional rights.

42. Moreover, the information requested about cell phone use is highly relevant to the issues raised in this case.

43. The Complainant claims that she has health concerns about RF fields from AMI meters. As the testimony of PPL Electric’s expert witness on RF exposures – Dr. Christopher Davis – will demonstrate, however, the RF exposure received from use of a cell phone (or even

standing within 30 feet of another person using a cell phone) is far higher than from an AMI meter.

44. In fact, in the Formal Complaint, the Complainant provided a cell phone number. (Complaint ¶ 1.)

45. PPL Electric is entitled to: (1) show how the RF exposures from the cell phone use compare to those from the AMI meter; and (2) discover the billing records needed to quantify the amount of time that the Complainant chooses to use the phone.

46. Based on the foregoing, the ALJ should direct the Complainant to answer fully PPL to Complainant Set I, Question 3.

C. PPL TO COMPLAINANT SET I, QUESTION 4

47. PPL to Complainant-I-4 requests the following:

- (a) Please state every health condition you claim was caused by a smart meter or will be caused or worsened by the installation of PPL Electric's new smart meter.
- (b) Please provide the date that every health condition identified in subpart (a) began.
- (c) Please provide copies of all your medical records of every health condition identified in subpart (a).
- (d) For each alleged health condition that you do not have medical records for in response to subpart (c), please state whether such condition was diagnosed by a medical professional. If so, please provide the name, address, and telephone number of the medical professional and the date of the diagnosis.
- (e) For each of the alleged health conditions identified in subpart (a), please state whether you have been prescribed any therapy or treatment for the condition by a medical professional. If so, please identify the therapy or treatment, provide the name, address, and telephone number of the prescribing medical professional, and provide the date the therapy or treatment was prescribed.

48. The Complainant's response to the question states:

- (a) The information was already provided in previous documentation and the above caption.
- (b) After installation of smart meter.
- (c) Violation of right to privacy
- (d) Violation of right to privacy
- (e) The information was provided in previous documents received by certified mail.

49. As explained above, Section 5.342(a)(4) requires a party to fully and completely answer an interrogatory. 52 Pa. Code § 5.342(a)(4). In addition, a party has a duty to amend its prior responses to discovery requests when the information contained therein is incomplete. *Id.* § 5.332(2).

50. The responses served by the Complainant to Question 4 were non-responsive and incomplete.

51. The responses to subparts (a) and (e) provide unclear references to documents that were previously sent to the Company. They could possibly be referencing the Formal Complaint, but there is no way to tell without specific indication from the Complainant. Moreover, no such documents requested in subpart (e) were provided in the Formal Complaint.

52. The response to subpart (b) states that the adverse health effects began “[a]fter installation of smart meter.” This is not the specific date that was requested in the interrogatory.

53. Further, the responses to subparts (c) and (d) claim that these interrogatories are a “[v]iolation of right to privacy.”

54. However, the deadline to serve any objections was June 24, 2019.

55. The Complainant’s response was served on July 3, 2019.

56. Therefore, the Complainant waived her right to object to interrogatory.

57. Moreover, the Complainant alleges that the new AMI meter has caused, contributed to, or exacerbated adverse health effects.

58. Therefore, the Complainant's medical records and conditions are highly relevant to this case.

59. Yet, the Complainant has refused to provide: (1) any medical records about the health conditions that have been allegedly caused, contributed to, or exacerbated by the new AMI meter; and (2) if there are no medical records for those health conditions, information about whether those conditions were diagnosed by a medical professional.

60. In addition, PPL Electric' interrogatory does not and cannot violate the Complainant's constitutional right to privacy.

61. For there to be a deprivation of constitution rights, two elements must be met: (1) "the deprivation must be caused by the exercise of some right or privilege created by the state"; and (2) "the party charged with the deprivation must be a person who may fairly said to be a state actor." *Commonwealth v. Corley*, 491 A.2d 829, 832 (Pa. 1985) (emphasis added) (quoting *Lugar v. Edmonson Oil Co.*, 457 U.S. 922, 937 (1982)); see *Commonwealth v. Demor*, 942 A.2d 898, 899-900 (Pa. Super. 2008) (applying principles outlined in *Corley* to Fourth Amendment analysis); *W. Pa. Socialist Workers 1982 Campaign v. Conn. General Life Ins. Co.*, 485 A.2d 1, 5-6 (Pa. Super. 1984) ("[T]he search and seizure provisions of Article 1, section 8, have been held inapplicable to the conduct of private parties.") (citations omitted).

62. Here, PPL Electric is a utility corporation, not a state actor. In *Jackson v. Metropolitan Edison Co.*, the U.S. Supreme Court found that a fellow Pennsylvania electric utility, *i.e.*, Metropolitan Edison Company, was not a state actor, even though it arguably had "monopoly power" and "provided an essential public service required to be supplied on a

reasonably continuous basis.” *Jackson v. Metropolitan Edison Co.*, 419 U.S. 345, 351-53 (1974). Therefore, in keeping with the U.S. Supreme Court’s holding in *Jackson*, PPL Electric similarly is not a state actor.

63. Thus, PPL Electric cannot, by propounding this interrogatory and demanding a response, violate the Complainant’s constitutional rights.

64. The Complainant should be directed to provide a full and complete response to this interrogatory.

65. Furthermore, Section 5.365(c)(4) of the Commission’s regulations states:

Prior to the issuance of a protective order, a party may not refuse to provide information which the party reasonably believes to be proprietary to a party who agrees to treat the information as if it were covered by a protective order until the presiding officer or the Commission issues the order or determines that issuance of the order would not be appropriate. The party claiming the privilege shall file a petition for protective order under subsection (a) within 14 days of the date the request for information was received.

52 Pa. Code § 5.365(c)(4).

66. Here, concurrent with the filing of the instant Motion, PPL Electric is filing a Motion for Protective Order, which would protect the Complainant’s medical records and information from unauthorized public disclosure.

67. PPL Electric hereby agrees to treat such information as confidential as though it were governed by the terms of a protective order. Thus, under Section 5.365(c)(4), the Complainant cannot refuse to provide this information to the Company.

68. For these reasons, the ALJ should direct the Complainant to answer fully PPL to Complainant Set I, Question 4.

D. PPL TO COMPLAINANT SET I, QUESTION 7

69. PPL to Complainant-I-7 requests the following:

Please provide copies of all exhibits you intend to present or utilize at the evidentiary hearing in this proceeding. For each exhibit to be used as part of your direct case, please identify the witness who will be sponsoring the exhibit.

70. Here, the deadline to serve any objections was June 24, 2019.

71. The Complainant served no response to this interrogatory. *See* Appendix B.

72. Therefore, the Complainant waived her right to object to interrogatory and should be directed to provide a response.

73. Moreover, this is a basic discovery request that asks for production of the Complainant's intended exhibits.

74. Under the Prehearing Order, the Complainant was directed to serve PPL Electric with copies of her statements, reports, and any direct written testimony of any expert witnesses she intends to call to testify at the hearing by July 5, 2019.

75. To date, PPL Electric has received no statements, reports, or expert testimony from the Complainant.

76. PPL Electric is due to serve the Complainant with its statements, reports, written testimony, and exhibits by August 5, 2019.

77. Thus, PPL Electric is entitled to receive the Complainant's exhibits before it serves its testimony and exhibits.

78. Based on the foregoing, the ALJ should direct the Complainant to answer PPL to Complainant Set I, Question 7.

III. SANCTIONS

79. Upon the motion of a party, the presiding officer may make an appropriate order for sanctions if a party fails to answer or otherwise respond to a discovery request or refuses to obey an order of the presiding officer respecting discovery. *See* 52 Pa. Code § 5.371(a).

80. In ruling upon a motion for sanctions, the presiding officer may, among other things, issue: (1) “[a]n order that the matters regarding which the questions were asked, the character or description of the thing or land, the contents of the paper, or other designated fact shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order”; (2) [a]n order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting the party from introducing in evidence designated documents, things or testimony”; and (3) “[a]n order striking out pleadings or parts thereof, staying further proceedings until the order is obeyed, or entering a judgment against the disobedient party or individual advising the disobedience.” *Id.* § 5.372(a)(1)-(3).

81. If the Complainant fails to provide full and complete responses to PPL Electric’s discovery requests by approximately 30 days before the September 10, 2019 hearing, PPL Electric will be deprived of a reasonable opportunity to prepare for the hearing and respond to the Complainant’s claims.

82. Accordingly, the Company respectfully requests that if the Complainant fails to produce the information and documents related to any of her claims by August 12, 2019, then the Complainant should be barred from litigating the corresponding claim(s).

83. For example, if the Complainant fails to produce her medical records to verify the existence of any claimed medical conditions or issues, then the Complainant would be precluded from litigating claims that the installation of PPL Electric’s AMI meter has caused, contributed to, or exacerbated or would cause, contribute to, or exacerbate any adverse health effects.

84. Similarly, if the Complainant fails to produce information about her current exposure to RF fields as requested in Questions 2 and 3, including but not limited to bills showing the extent of her cell phone use, then the Complainant would be precluded from litigating claims that PPL Electric's AMI meter exposes her to unreasonable levels of RF fields.

85. Finally, to the extent that this Motion is granted and the Complainant fails to answer fully PPL to Complainant Set I, or otherwise comply with the ALJ's order, PPL Electric intends to file an appropriate motion pursuant to 52 Pa. Code §§ 5.371(a) and 5.372(a) to dismiss the Complaint with prejudice.

86. The Commission has regularly dismissed AMI meter complaints with prejudice due to the complainants' failure to answer discovery in compliance with the presiding administrative law judge's orders granting motions to compel. *See, e.g., Carol Sojda & Carol Lutzkanin v. Metropolitan Edison Co.*, Docket No. C-2017-2638350, pp. 7-8 (Jan. 9, 2019), *adopted*, Docket No. C-2017-2638350 (Order entered Mar. 28, 2019); *Kimberly Beckmann v. Metropolitan Edison Co.*, Docket No. C-2017-2613702, pp. 7-10 (Jan. 31, 2019), *adopted*, Docket No. C-2017-2613702 (Order entered Apr. 11, 2019); *Darlene Stanton v. Pennsylvania Electric Co.*, Docket No. C-2018-3001144, pp. 6-11 (May 10, 2019), *adopted*, Docket No. C-2018-3001144 (Order entered July 11, 2019); *Diana Cook v. West Penn Power Co.*, Docket No. C-2018-3003051, pp. 6-10 (May 1, 2019), *adopted*, Docket No. C-2018-3003051 (Order entered July 11, 2019).

IV. CONCLUSION

For the reasons set forth above, PPL Electric Utilities Corporation respectfully requests that Administrative Law Judge Elizabeth H. Barnes grant this Motion to Compel Responses to Discovery and direct Dana Brennan to answer fully PPL to Complainant Set I, as described above within three (3) days from the date of the order.

Respectfully submitted,



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Michael J. Shafer (ID # 205681)
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E-mail: crenner@w-r.com

Date: July 17, 2019

Attorneys for PPL Electric Utilities Corporation

APPENDIX A

Interrogatories and Requests for Production of Documents Propounded by PPL Electric Utilities Corporation on Dana Brennan – Set I



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File #: 167945

June 12, 2019

VIA CERTIFIED MAIL (7017 1450 0002 3778 1151)
VIA E-MAIL

Dana Brennan
16 Oslo Way
Newfoundland, PA 18445


Re: Dana Brennan v. PPL Electric Utilities Corporation
Docket No. C-2019-3007121

Dear Ms. Brennan:

Enclosed are the Interrogatories and Requests for Production of Documents Propounded by PPL Electric Utilities Corporation on Dana Brennan – Set I in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Please provide answers to the enclosed discovery within twenty (20) days of the date of service, pursuant to 52 Pa. Code § 5.342.

Sincerely,



Devin Ryan

DTR/jl
Enclosures

cc: Rosemary Chiavetta, Secretary (*Letter & Certificate of Service Only*)
Certificate of Service

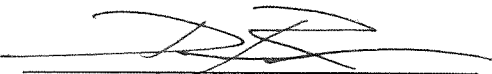
CERTIFICATE OF SERVICE

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).

VIA EMAIL & CERTIFIED MAIL

Dana Brennan
16 Oslo Way
Newfoundland, PA 18445
jndbrennan@gmail.com

Date: June 12, 2019


Devin T. Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Dana Brennan,	:	
	:	
Complainant	:	
	:	
v.	:	Docket No. C-2019-3007121
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent	:	

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED BY
PPL ELECTRIC UTILITIES CORPORATION ON
DANA BRENNAN – SET I**

Pursuant to 66 Pa.C.S. § 333 and 52 Pa. Code §§ 5.341 *et seq.*, PPL Electric Utilities Corporation (“PPL Electric”) propounds the following Interrogatories and Requests for Production of Documents (hereinafter, “discovery requests”) on Dana Brennan (“Complainant”) – Set I.

INSTRUCTIONS AND DEFINITIONS

1. The “Responding Party,” “you,” or “your” means the party to which these discovery requests are propounded and/or all attorneys, agents, affiliates, subsidiaries, employees, consultants, members, constituents, and representatives acting on behalf of the Responding Party.
2. “Commission” means the Pennsylvania Public Utility Commission.
3. To “identify” a natural person means to state that person’s full name, title or position, employer, last known address, and last known telephone number.

4. To “identify” a business entity means to state the full name of such business, the form of the business, and its location or address.

5. To “identify” a “document” means to provide all of the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:

- a. The title or other means of identification of each such document;
- b. The date of each such document;
- c. The author, preparer or signer of each such document; and
- d. A description of the subject matter of such document sufficient to permit an understanding of its contents and importance to the testimony or position being examined and the present or last known location of the document. The specific nature of the document should also be stated (*e.g.*, letter, business record, memorandum, computer print-out, etc.).

In lieu of “identifying” any document, it shall be deemed a sufficient compliance with these discovery requests to attach a copy of each such document to the answers hereto and reference said document in the particular interrogatory to which the document is responsive.

6. “Document” means the original and all drafts of all written and graphic matter, however produced or reproduced, of any kind or description, whether or not sent or received, and all copies thereof which are different in any way from the original (whether by interlineation, date-stamp, notarization, indication of copies sent or received, or otherwise), including without limitation, any paper, book, account, photograph, blueprint, drawing, sketch, schematic, agreement, contract, memorandum, press release, circular, advertising material, correspondence, letter, telegram, telex, object, report, opinion, investigation, record, transcript, hearing, meeting, study, notation, working paper, summary, intra-office communication, diary, chart, minutes, index sheet, computer software, computer-generated records or files, however stored, check, check stub, delivery ticket, bill of lading, invoice, record or recording or summary of any telephone or other conversation, or of any interview or of any conference, or

any other written, recorded, transcribed, punched, taped, filmed, or graphic matter of which the Responding Party has or has had possession, custody or control, or of which the Responding Party has knowledge.

7. "Communication" means any manner or form of information or message transmission, however produced or reproduced, whether as a document as herein defined, or orally or otherwise, which is made, distributed, or circulated between or among persons, or data storage or processing units.

8. "Date" means the exact day, month, and year, if ascertainable, or if not, the best approximation thereof.

9. Items referred to in the singular include those in the plural, and items referred to in the plural include those in the singular.

10. Items referred to in the masculine include those in the feminine, and items referred to in the feminine include those in the masculine.

11. The answers provided to these discovery requests should first restate the question asked and identify the person(s) supplying the information.

12. In answering these discovery requests, the Responding Party is requested to furnish all information that is available to the Responding Party, including information in the possession of the Responding Party's attorneys, agents, consultants, or investigators, and not merely such information of the Responding Party's own knowledge. If any of the discovery requests cannot be answered in full after exercising due diligence to secure the requested information, please so state and answer to the extent possible, specifying the Responding Party's inability to answer the remainder, and stating whatever information the Responding

Party has concerning the unanswered portions. If the Responding Party's answer is qualified in any particular, please set forth the details of such qualification.

13. If the Responding Party objects to providing any document requested on any ground, identify such document by describing it as set forth in Instruction 5 and state the basis of the objection.

14. If the Responding Party objects to part of a discovery request and refuses to answer that part, state the Responding Party's objection and answer the remaining portion of that discovery request. If the Responding Party objects to the scope or time period of a discovery request and refuses to answer for that scope or time period, state the Responding Party's objection and answer the discovery request for the scope or time period that the Responding Party believes is appropriate.

15. If, in connection with a discovery request, the Responding Party contends that any information, otherwise subject to discovery, is covered by either the attorney-client privilege, the so-called "attorneys' work product doctrine," or any other privilege or doctrine, then specify the general subject matter of the information and the basis to support each such objection.

16. If any information is withheld on grounds of privilege or other protection from disclosure, provide the following information: (a) every person to whom such information has been communicated and from whom such information was learned; (b) the nature and subject matter of the information; and (c) the basis on which the privilege or other protection from disclosure is claimed.

17. As set forth in 52 Pa. Code § 5.342(g), these discovery requests are continuing, and the Responding Party is obliged to change, supplement, and correct all answers given to conform to new or changing information.

18. “Formal Complaint” means the Formal Complaint filed by the Complainant at Docket No. C-2019-3007121.

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED ON
DANA BRENNAN – SET I**

PPL to Complainant-I-1

Re: Formal Complaint.

- (a) Please explain in detail the reasons why you are challenging the Company's installation of the new smart meter.
- (b) Please describe in detail all health concerns, if any, raised by the Company's new smart meter, state the bases for such claims, and provide all documents relied upon by you in your response.
- (c) Please describe in detail all safety concerns, if any, raised by the Company's new smart meter, state the bases for such claims, and provide all documents relied upon by you in your response.
- (d) Please describe in detail all privacy concerns, if any, raised by the Company's new smart meter, state the bases for such claims, and provide all documents relied upon by you in your response.
- (e) Please describe in detail all reasons you believe the Company's new smart meter violates the law.

PPL to Complainant-I-2

Please identify all wireless phones, cellphones, microwaves, wireless routers, wifi networks, tablets, computers, Bluetooth speakers, wireless security systems, smart speakers (*e.g.*, Amazon Echo), garage door openers, baby monitors, and walkie talkies that are contained in or used in the house.

PPL to Complainant-I-3

Please state whether you or any member of your household uses a cell phone. If so, please provide the make and model of each cell phone and, for each phone identified, provide 12 months of phone bills or other records of actual cell phone usage.

PPL to Complainant-I-4

- (a) Please state every health condition you claim was caused by a smart meter or will be caused or worsened by the installation of PPL Electric's new smart meter.
- (b) Please provide the date that every health condition identified in subpart (a) began.

- (c) Please provide copies of all your medical records of every health condition identified in subpart (a).
- (d) For each alleged health condition that you do not have medical records for in response to subpart (c), please state whether such condition was diagnosed by a medical professional. If so, please provide the name, address, and telephone number of the medical professional and the date of the diagnosis.
- (e) For each of the alleged health conditions identified in subpart (a), please state whether you have been prescribed any therapy or treatment for the condition by a medical professional. If so, please identify the therapy or treatment, provide the name, address, and telephone number of the prescribing medical professional, and provide the date the therapy or treatment was prescribed.

PPL to Complainant-I-5

Please identify each person you plan to call as a fact witness in this proceeding. For each person, please:

- (a) Provide the person's name, home and business address, background, and qualifications;
- (b) Explain in detail the subject matter(s) on which the witness is expected to testify; and
- (c) Provide the source(s) of information relied upon or referenced by the witness.

PPL to Complainant-I-6

Please identify each person you plan to call as an expert witness in this proceeding. For each person, please:

- (a) Provide the person's name, home and business address, background, and qualifications;
- (b) Explain in detail the subject matter(s) on which the witness is expected to testify;
- (c) Provide the source(s) of information relied upon or referenced by the witness; and
- (d) Provide a copy of the expert witness's current curriculum vitae.

PPL to Complainant-I-7

Please provide copies of all exhibits you intend to present or utilize at the evidentiary hearing in this proceeding. For each exhibit to be used as part of your direct case, please identify the witness who will be sponsoring the exhibit.

APPENDIX B

Dana Brennan's Answers to PPL Electric Utilities Corporation's Interrogatories and Requests for Production of Documents – Set I

(b) The smart meters are known to cause numerous ailments which we had explained in part in the rebuttal to answer dated 2/18/19 which Attorney Ryan, the Public Utility Commission and Mr. Phil Walnock, Program manager Advance metering, 835 Hamilton St. Suite 150, Allentown, PA 18101, received by certified mail. Please refer to 4a of said document explaining that it has been well established that the smart meters cause numerous health problems which PPL Electric Utilities Corporation is purposely hiding from the public. Our concerns are as follows: 1. cancer & Re-activating cancer for those in remission, 2. nausea, 3. headaches, 4. dizziness, 5. tinnitus, 6, stabbing pain in ears, 7. brain damage in children, 8. heart palpitations, 9. heart attack, 10. hormonal issues, 11. immune problems, 12. extreme fatigue, 13. insomnia, neurological problems, 15. exacerbation of pre-existing conditions such as cancer, 16. eye problems, 17. leg cramps, 18. anemia, 19. seizures, 20. inflammation, 21. depression, 22. DNA, sperm, cell and gene damage, 23. Behavioral problems. These effects can be witnessed by researching health effects of AMI smart meters on Youtube and other news articles relating the health damage radiation emitting smart meters cause. Attorney Ryan, Mr. Walnock, Program manager, and Pennsylvania Public Utility Commission all received by certified mail a three page document outlining some of the dangers and also the invasion of privacy connected with the unlawful use of the smart meter installed by PPL Electric Utilities Corporation. For your convenience the three pages signed by me, Dana Brennan, and dated 2/10/2019 is included.

(c) As explained previously in documents sent to Attorney Ryan and the Pennsylvania Public Utility Commission my husband takes grand mal seizures after having brain surgery which has been exacerbated since the smart meter installation. He also has trouble sleeping and fatigue. I, Dana, personally have undergone eye surgery, am experiencing tinnitus continually in my ear, leg cramping and dizziness. Our 15 year old son has ADHD and his behavior has been on the decline since the smart meter installation. From the beginning we have respectfully requested that smart meter be removed and that the analog meter be re-installed due to our health matters. PPL Electric Utilities Corporation was also given notice of Non Consent to Trespass, Surveillance and Radiation Pollution and Fire Hazard Notice of Liability Adhesion Contract dated 2/18/19. This document consists of three pages which was sent to Attorney Ryan, Pennsylvania Utility Commission, and Mr. Phil Walnock, PPL.

On 5/14/2018 Claire Edwards, staff member of the United Nations states that 237 EMF Scientists from 41 Nations are appealing to the United Nations, World Health Organization and the EU to stop 5G technology due to major health and environmental concerns. There are numerous articles and programs to view relating to the EMF exposure from smart meters with damage to our health and the environment.

(d) At no time was PPL Electric Utilities Corporation or any other agency whatsoever given our consent or permission to invade our privacy by any means whatsoever. This was explained in detail in the documentation that was sent to Attorney Ryan, etc. PPL Electric Utilities Corporation has no right to invade my privacy. We do not have any contract whatsoever with PPL Electric Utilities Corporation for them to take it upon themselves to collect data from our household to profile us as individuals or send any

information to a third party to profit. The standing agreement we had with PPL Electric Utilities Corporation was to be provided with clean electricity without sacrificing our privacy or gathering information. This also was explained repeatedly in documentation to Attorney Ryan. Please refer to the document you received dated 2/10/2019. This document also refers to trespassing, stalking, wiretapping, assault as well as other liabilities to include criminal and civil action.

(e) As explained to Attorney Ryan and the Pennsylvania Public Utility Commission in numerous documents they received by certified mail PPL Electric Utilities Corporation is in violation of our first, fourth, and fifth amendment Constitutional rights as well as laws provided to us under the Pennsylvania Constitution regarding wire tapping, electronic surveillance or any other means to collect data from our property without permission or consent. We have a right to privacy without fear. We should have a reasonable expectation of privacy in our home. PPL Electric Utilities Corporation is in violation of our Constitutional rights. The Supreme Court has recognized certain fundamental rights that we inherited as part of our Liberty to include privacy. Nothing outweighs the privacy of a citizen of this country. The fourth amendment protects us from individual's illegal search and seizure, however, this is exactly what PPL Electric Utilities Corporation is doing. Please refer to other documents and information relating to our privacy.

PPL to Complainant 1-2

Under our Constitutional right to privacy this information is unavailable. However if you are trying to make connections to our usage to other equipment that we may or may not have we must remind you that any device that could have been purchased was by choice not by force as PPL Electric Utilities Corporation is doing with the smart meter installation. Additionally, other devices such as a cell phone, microwave, wifi, etc., all come with a warning advertising that there is a risk of being harmful to ones health such as cancer, brain tumor, breast cancer, etc. It seems that PPL Electric Utilities Corporation had purposely excluded this warning of the danger of smart meters to the general public. Additionally, all of the devices mentioned can be physically turned off and the risk ended. Whereas the smart meter has electrical pulsations going through our home 24 hours a day, 7 days a week, 365 days a year. Therefore, we are being bombarded continuously by EMF.

PPL to Complainant 1-3

Under our Constitutional rights to privacy this information is unavailable. This is answered in 1-2.

PPL to Complainant 1-4

(a) This information was already provided in previous documentation and the above caption.

(b) After installation of smart meter.

(c) Violation of right to privacy

(d) Violation of right to privacy

(e) The information was provided in previous documents received by certified mail.

PPL to Complainant 1-5

(a) Dana Brennan, 16 Oslo Way, Newfoundland, PA 18445. Qualifications: caregiver, mother & housewife, taking care of my veteran husband who had undergone brain surgery and takes grand mal seizures, my 15 year old son who had ADHD and myself who underwent laser surgery.

(b) The danger of Smart meters as previously explained.

(c) As previously explained information has been obtained through research on Youtube, news corporations and The World Health Organization which you can look up.

PPL to Complainant 1-6

(a) N/A

(b) N/A

(c) N/A

(d) N/A

Complainant to PPL Electric Utilities Corporation.

Attorney Ryan, as you were well aware of from the beginning, I, Mrs. Dana Brennan, as the Complainant, have always asked for a fair, reasonable and peaceful solution by requesting that an analog meter be re-installed and allowing us to opt out of the smart meter which has been done by other public electric utility companies. I had brought this to your attention in documents already in your possession.

We will have no other alternative but to send out the same request of documentation as we received requesting full disclosure of all records without exception to include all testing and findings related to PPL Electric Utilities Corporation smart meters, information relating to the level of radiation being

emitted by the smart meters as well as other information such as the members of general public requesting removal of smart meters and why.

We will allow 20 days to receive a reply before sending official requests for the information as well as a request to the amount of money that PPL Electric Utilities Corporation will generate by using their spyware and selling to a third party as well as other requests for information not mentioned. Attorney Ryan, it was never our intention to open up a can of worms, however, our respectful request to re-install an analog meter has been ignored and never mentioned thus far and has seemed to fall on deaf ears. I hope your firm and PPL Electric Utilities Corporation can come to terms with our reasonable request and solution. We respectfully ask the Pennsylvania Public Utility Commission to allow us to live without the threat of spyware or any health hazard accompanied by the smart meter installation.

Respectfully Submitted,

David L. Brennan

7-3-19

FROM:

Mrs. Dana Brennan
16 Oslo Way
Newfoundland, PA 18445

JUL 08 2019

TO:

Mr. Phil Walnock, Program Manager, Advanced Metering
PPL Electric Utilities
835 Hamilton St. Suite 150
Allentown, PA 18101-1179

CC: Devin T. Ryan, Post & Schell, P.C.

17 North Second Street, 12th Floor

Harrisburg, PA 17101-1601

Pennsylvania Public Utilities Commission
400 North Street

Harrisburg, PA 17120

Docket No. C-2019-3007121
February 10, 2019

Prior to the installation of the smart meter a PPL Electric Utilities representative. Was told not to install the smart meter and left. Later without consent or permission PPL Electric Utilities snuck onto our property and installed the meter without our permission or consent.

NOTICE OF NO CONSENT TO TRESPASS, SURVEILLANCE AND RADIATION POLLUTION
AND FIRE HAZARD

NOTICE OF LIABILITY, ADHESION CONTRACT

Dear Mr. Phil Walnock, PPL Electric Utilities and all agents, officers, employees, contractors and interested parties,

In regard to your possible intention to install an electronic utility meter at the above address, those meters violate the law and cause endangerment to users and the public due to the following factors:

- 1) They individually identify electrical devices and record when they are operated causing invasion of privacy.
- 2) They monitor household activity and occupancy in violation of rights of domestic privacy.
- 3) They transmit wireless signals which can be intercepted by unauthorized and distant parties.
- 4) No power company or other individual or agency has consent to conduct surveillance or monitoring or to emit radiation (RF, EMR, EMF) on our property with an electronic utility meter. If such consent is presumed, it is hereby denied.
- 5) Data about occupant's daily habits and activities are collected by digital meters, recorded and stored in permanent databases which are accessed by parties not authorized or invited to know and share that private data. Employees and officers of the utility company are not authorized to collect, view or share

such private and personal data.

5) Those with access to the data can review a permanent history of household activities taken and viewed unlawfully and without the consent of occupants and subjects of the surveillance.

6) Those databases may be shared with, or fall into the hands of unauthorized law enforcement, private hackers of wireless transmissions and other unidentified parties for use against the interests of the energy subscribers and the occupants of the structures without their knowledge and consent.

7) Electronic utility meters are, by definition, surveillance devices which violate Federal and State wiretapping laws by recording and storing databases of private and personal activities and behaviors in situations where privacy is expected and private activities are recorded without the consent or knowledge of those people who are monitored.

8) It is possible for example, with analysis of certain electronic utility meter data, for unauthorized and distant parties to determine medical conditions, sexual activities, physical locations of persons within the home, vacancy patterns, general affluence, trade secrets and personal habits of occupants.

9) Digital meters cause, by intentional transmission and/or incidental disruption of house current with switch mode power supplies, cancer-causing electromagnetic radiation to be emitted in proximity of the installed location and property in violation of laws against public endangerment, assault and commission of bodily harm.

10) Digital Meters are designed to transmit using electromagnetic radiation known to cause cancer and many other diseases, illnesses and symptoms.

11) Digital meters have no surge protection and are unlawful fire hazards which are not permitted on our property.

12) FCC regulations require that no radio transmitters may be installed on private property without the consent of the property owner. Consent is hereby denied.

For the above reasons, and by right of occupancy and property ownership, I prohibit and deny consent of, any installation and use of any monitoring, eavesdropping, monitoring, surveillance and radiation emitting devices on my property and place of residence and rightful occupancy, especially in the form of an electric utility meter. Any attempt to install any such device directed at me or other occupants on my property or residence will constitute trespass, stalking, wiretapping and assault, all prohibited and punishable by law through criminal and civil actions. All persons, government agencies and private organizations responsible for installing or operating monitoring devices which I consider to be unlawful will be fully liable for major financial and compliance claims and demands in unlimited monetary value. This is legal notice. The liabilities and obligations listed above are true and binding upon all parties upon delivery of this notice. These terms and conditions apply without regard to status or existence of any "opt-out" contract.

Utility service may not be denied for refusal of unlawful conduct by the utility company or for any act of self defense or any exercise of property rights.

Because this issue is related to misconduct, violations and crimes by you and your utility company policies, no fees, charges or penalties may be associated with any remedies you are requested to provide.

Under my authority as owner and/or rightful occupant of the above property, and under your implied or expressed application to enter that property, this is an adhesion contract to which you are now bound until and unless you respond with factual and supported rebuttal to ALL of the above points in a sworn statement by an authorized and identified party within 21 days of this delivery. Any rebuttal must show your authority to install an unlawful radiation-emitting surveillance device (digital electric "meter") on my property without my consent. Because you are violating the law, your easements do not provide that authority. Expect rebuttal to any claim of such authority. Any failure to timely show and prove full and

binding authority to install the unlawful and harmful device on my property and/or place of occupancy will be agreement with all terms and conditions herein. I deny and refuse any past, present and future proposal, offer, demand or claim contrary to any terms or conditions herein.

Notice to principle is notice to agent and notice to agent is notice to principal. All rights reserved.

Mrs. Dana Brennan 2-18-2019

Mrs. Dana Brennan, Property owner 16 Oslo Way, Newfoundland, PA 18445