



17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
717-731-1970 Main
717-731-1985 Main Fax
www.postschell.com

Lindsay A. Berkstresser

lberkstresser@postschell.com
717-612-6021 Direct
717-731-1977 Direct Fax
File #: 177551

August 7, 2019

VIA ELECTRONIC FILING

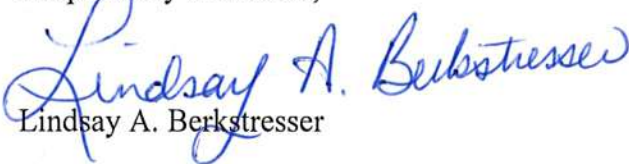
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: National Railroad Passenger Corporation v. PPL Electric Utilities Corporation
Docket No. C-2019-3010398**

Dear Secretary Chiavetta:

Enclosed please find PPL Electric Utilities Corporation's Motion to Compel for filing in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,


Lindsay A. Berkstresser

LAB/kl
Enclosures

cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

National Railroad Passenger Corporation,	:	
	:	
v.	:	Docket No. C-2019-3010398
	:	
PPL Electric Utilities Corporation	:	

**MOTION TO COMPEL ANSWERS TO INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS PROPOUNDED BY
PPL ELECTRIC – SET I**

TO ADMINISTRATIVE LAW JUDGE JOEL H. CHESKIS:

As explained herein, PPL Electric Utilities Corporation (“PPL Electric”) hereby files, pursuant to 52 Pa. Code § 5.342, this Motion to Compel Answers to its Set I Interrogatories, Questions 5, 6, and 7 directed to National Railroad Passenger Corporation (“Amtrak”). The Motion to Compel requests that Administrative Law Judge Joel H. Cheskis direct Amtrak to provide full and complete responses to Set I Interrogatories, Questions 5, 6, and 7 as required by 52 Pa. Code § 5.342(a)(4). In support of its Motion, PPL Electric states as follows:

I. BACKGROUND

On July 11, 2019, PPL Electric served its Set I Interrogatories and Requests for Production of Documents on Amtrak. On July 22, 2019, Amtrak served its formal objections to Set I, Questions 1, 3 and 5-12. A true and correct copy of Amtrak’s objections is attached hereto as Appendix A. On July 31, 2019, Amtrak provided responses to Questions 1-4, 8 and 10. Counsel for PPL Electric and counsel for Amtrak were able to reach an agreement to resolve all of the remaining objections expect for Questions 5, 6, and 7, which are the subject of this Motion to Compel.¹

¹ It is PPL Electric’s understanding that Amtrak intends to provide a response to Question 9 as described in its objections.

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. AMTRAK SHOULD BE COMPELLED TO PROVIDE FULL AND COMPLETE RESPONSES TO QUESTIONS 5, 6 AND 7

Questions 5, 6 and 7 provide as follows:

PPL to Amtrak-I-5:

Please provide copies of all correspondence for the past five years between Amtrak and CNE, or CNE’s predecessors, related to Amtrak’s generation and/or transmission service in the PJM Zone.

PPL to Amtrak-I-6:

Please provide all correspondence for the past five years between Amtrak and Safe Harbor related to Amtrak’s generation and/or transmission service in the PJM Zone.

PPL to Amtrak-I-7:

Please provide all correspondence for the past five years between Amtrak and PJM related to Amtrak’s generation and/or transmission service in the PJM Zone.

Amtrak objected to Questions 5, 6 and 7 on the basis that they are overly broad, irrelevant and unduly burdensome. Amtrak further objected to Questions 6 and 7 to the extent that they request information subject to “settlement privilege.” For the reasons explained herein, Amtrak’s objections are without merit, and Amtrak should be ordered to provide full and complete responses to Questions 5, 6 and 7.

Amtrak’s argument that Questions 5, 6 and 7 are overly broad, unduly burdensome, and beyond the scope of the complaint should be rejected. As an initial matter, PPL Electric notes that it has agreed to limit Questions 5, 6 and 7 to correspondence related to generation and/or transmission service **in the PPL Electric Zone**. Questions 5, 6 and 7 are directly relevant to the allegations in Amtrak’s Complaint. In its Complaint Amtrak alleges that it has been improperly charged for transmission service provided by its electric generation supplier, Constellation New Energy (“CNE”). (Complaint ¶¶ 7, 17) CNE is the load serving entity or “LSE” who is responsible for procuring the necessary generation, capacity, and transmission service to serve its retail customer load. To meet this obligation, LSEs, such as CNE, purchase Network Integration Transmission Service (“NITS”) from PJM, which allows LSEs to deliver their network load in the PJM region. Question 5 seeks correspondence for the past five years between Amtrak and CNE related to Amtrak’s generation and/or transmission service. Question 7 seeks correspondence for the past five years between Amtrak and PJM related to Amtrak’s generation and/or transmission service. This information is highly relevant to Amtrak’s allegations regarding transmission charges for service provided by CNE within the PPL Zone. In its Complaint, Amtrak also alleges that it takes power from Safe Harbor to meet its load demands in the PPL Zone. (Complaint ¶ 24) Question 6 seeks correspondence for the past five years

between Amtrak and Safe Harbor related to Amtrak's generation and/or transmission service. Therefore, Question 6 is also directly relevant to the allegations in the Complaint.

Questions 5, 6 and 7 are not overly broad or unduly burdensome. The Questions are limited in scope to correspondence during past 5 years (the period relevant to the Complaint), and PPL Electric has further agreed to limit the information requested to service in the PPL Electric Zone. Further, the information requested is already in Amtrak's possession. Thus, Amtrak is in the best position to provide it. Requiring Amtrak to produce the requested information does not rise to the level of *undue* burden, especially given that it is highly relevant to the claims made in Amtrak's Complaint.

Amtrak's attempt to invoke "settlement privilege" as a means to avoid answering Questions 6 and 7 is equally without merit. Although the Commission is not bound by the Rules of Evidence,² Pennsylvania Rule of Evidence 408 provides guidance regarding the admissibility of compromise offers and negotiations. Rule 408 provides as follows:

Rule 408. Compromise Offers and Negotiations.

(a) Prohibited Uses. Evidence of the following is **not admissible**—on behalf of any party—either to prove or disprove the validity or amount of a disputed claim or to impeach by a prior inconsistent statement or a contradiction:

(1) furnishing, promising, or offering—or accepting, promising to accept, or offering to accept—a valuable consideration in compromising or attempting to compromise the claim; and

(2) conduct or a statement made during compromise negotiations about the claim.

(b) Exceptions. The court may admit this evidence for another purpose, such as proving a witness's bias or prejudice, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

²See, e.g., *Pennsylvania American Water*, 2001 Pa. PUC LEXIS 6, *117 (January 19, 2001); *C.S. Warthman Funeral Home, et al. v. GTE North, Incorporated*, 1993 Pa. PUC LEXIS 214, *15 (June 4, 1993).

The Comment to Pa.R.E. 408 states: **This rule does not require the exclusion of any evidence otherwise discoverable merely because it is presented in the course of compromise negotiations.** (emphasis added) Thus, the Pennsylvania Rules of Evidence do not prohibit the discoverability of relevant information simply because it was provided in the course of settlement negotiations. The Commission's discovery regulations provide that evidence does not have to be admissible in order to be discoverable so long as the information sought in discovery is likely to lead to the discovery of admissible evidence. *See* 52 Pa. Code § 5.32 ("It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.") As explained above, the information requested in Questions 6 and 7 is highly relevant to the allegations in Amtrak's Complaint, and PPL Electric is entitled to seek this information in discovery regardless of whether the information has been presented in the course of compromise negotiations. The requested information is clearly *discoverable*. Whether such information is *admissible* evidence is not at issue here.

Furthermore, Amtrak has not properly invoked "settlement privilege" as it pertains to the information requested in Questions 6 and 7. Settlement privilege is designed to protect parties from having statements made in the course of settlement negotiations used against them in the same proceeding. It does not apply to third-party requests for information. In this case, there have been no settlement negotiations between PPL Electric and Amtrak. Amtrak has not demonstrated that there is an actual claim between Amtrak and PJM or Amtrak and Safe Harbor that would entitle it to claim settlement privilege. In order for settlement privilege to apply, there must be a true legal dispute. Settlement privilege does not protect negotiations made in the

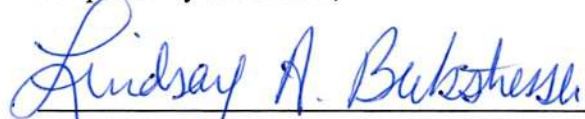
regular course of business, such as ordinary contract negotiations. Even if there were true legal claims between PJM and Amtrak or PJM and Safe Harbor, PPL Electric is not a party to these claims. Therefore, it is entitled to the information sought in Questions 6 and 7 regardless of whether it has been provided in the course of compromise negotiations with other parties.

For the reasons explained above, Amtrak should be required to provide full and complete responses to Questions 5, 6 and 7.

IV. CONCLUSION

WHEREFORE, for the foregoing reasons, PPL Electric Utilities Corporation respectfully requests that Administrative Law Judge Joel H. Cheskis grant this Motion to Compel and order Amtrak to fully answer Set I, Questions 5, 6, and 7.

Respectfully submitted,



Ronald J. Reybitz (ID # 78863)
Kimberly A. Klock (ID # 89716)
Michael J. Shafer (ID #205681)
PPL Services Corporation
Office of General Counsel
Two North Ninth Street
Allentown, PA 18106
Phone: 610-774-4254
Fax: 610-774-6726
E-mail: rreybitz@pplweb.com
kklock@pplweb.com
mjshafer@pplweb.com

David B. MacGregor (ID # 28804)
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
Phone: 215-587-1197
Fax: 215-587-1444
E-mail: dmacgregor@postschell.com

Lindsay A. Berkstresser (ID # 318370)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: lberkstresser@postschell.com

Of Counsel:

Post & Schell, P.C.

Date: August 7, 2019

Attorneys for PPL Electric Utilities Corporation

APPENDIX A



McNees
Wallace & Nurick LLC

JUL 23 2019

100 Pine Street • PO Box 1166 • Harrisburg, PA 17108-1166
Tel: 717.232.8000 • Fax: 717.237.5300

Matthew L. Garber
Direct Dial: 717.237.5270
mgarber@mcneeslaw.com

July 22, 2019

Lindsay A. Berkstresser, Esq.
Post & Schell, P.C.
17 N 2nd Street, 12th Floor
Harrisburg, PA 17101

VIA E-MAIL AND FIRST CLASS MAIL

**RE: National Railroad Passenger Corporation v. PPL Electric Utilities Corporation;
Docket No. C-2019-3010398**

Dear Ms. Berkstresser:

Enclosed please find the National Railroad Passenger Corporation's ("Amtrak") Objections to PPL Electric Utilities Corporation's Interrogatories and Requests for Production of Documents – Set I in the above-referenced proceeding.

As shown by the attached Certificate of Service, all parties to this proceeding are being duly served. Thank you.

Very truly yours,

McNEES WALLACE & NURICK LLC

By

Matthew L. Garber

Counsel to National Railroad Passenger Corporation

Enclosures

c: Rosemary Chiavetta, Secretary (via Electronic Filing – Letter and Certificate of Service only)
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant).

VIA E-MAIL AND FIRST-CLASS MAIL

Kimberly A. Klock, Esq.
2 North Ninth Street, GENTW3
Allentown, PA 18101-1179
kklock@pplweb

Lindsay A. Berkstresser, Esq.
Post & Schell, P.C.
17 N 2nd Street, 12th Floor
Harrisburg, PA 17101
lberkstresser@postschell.com

David B. MacGregor, Esq.
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
dmacgregor@postschell.com



Matthew L. Garber

Counsel to the National Railroad Passenger
Corporation

Dated this 22nd day of July, 2019, in Harrisburg, Pennsylvania.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

National Railroad Passenger Corporation,	:	
Petitioner,	:	
	:	
v.	:	Docket No. C-2019-3010398
	:	
PPL Electric Utilities Corporation,	:	
Respondent.	:	

**OBJECTIONS OF THE NATIONAL RAILROAD PASSENGER CORPORATION TO
PPL ELECTRIC UTILITIES CORPORATION'S
INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS – SET I**

Pursuant to 52 Pa. Code §§ 5.342(c) and (e), the National Railroad Passenger Corporation ("Amtrak") hereby object to PPL Electric Utilities Corporation's ("PPL") Interrogatories and Requests for Production of Documents Propounded by PPL on Amtrak – Set I ("Set I Interrogatories"), Questions 1, 3, and 5-12 served on July 11, 2019.

SUMMARY OF INTERROGATORIES

PPL Electric's Set I Interrogatories request extensive and detailed information from Amtrak concerning everything from supply contracts to business correspondence to billing disputes. Because these requests include numerous documents of a confidential nature, that contain financial, legal, and procedural information that is critical to Amtrak, Amtrak has provided PPL Electric with a draft stipulated protective agreement ("Protective Agreement"). Upon execution of the Protective Agreement, Amtrak will provide confidential responses to the Set I Interrogatories, subject to the objections set forth herein.

GENERAL OBJECTIONS

As a general matter, Amtrak objects to PPL Electric's Set I Interrogatories on several grounds pursuant to 52 Pa. Code § 5.321 and 5.361.

First, some of PPL Electric's Set I Interrogatories are irrelevant to the permissible scope of discovery in this proceeding. The issues in this proceeding concern transmission charges in the PPL Electric zone affecting Amtrak. Amtrak's only point of delivery within the PPL Electric service territory is the Conestoga Substation. However, PPL Electric propounds interrogatories seeking documents pertaining to Amtrak locations far beyond the PPL Electric zone and addressing other aspects of Amtrak's generation supply arrangements. For example, Amtrak has accounts throughout the Northeast where Constellation NewEnergy, Inc. ("CNE") may, at times, serve as a supplier. Agreements between CNE and Amtrak for locations other than Conestoga are not relevant to the scope of the proceeding and are not "reasonably calculated to lead to the discovery of admissible evidence." 52 Pa. Code § 5.321(c).

Second, many of the Set I Interrogatories are overly broad as drafted and would require an unreasonable search by Amtrak unless limited by PPL Electric. Some of the Set I Interrogatories request correspondence in the normal course of business that is not limited to the transmission charges that are within the scope of the issues in this proceeding and would require extensive searches. This correspondence could include Amtrak employees, contractors, consultants, or even former employees. Pursuant to 52 Pa. Code § 5.361(a)(2), Amtrak objects to the Set I Interrogatories to the extent they result in unreasonable burden and expense on Amtrak.

Amtrak's specific objections to PPL Electric's Set I Interrogatories follow below.

NATIONAL RAILROAD PASSENGER CORPORATION
OBJECTIONS TO PPL ELECTRIC UTILITIES CORPORATION'S
INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS – SET I

DOCKET NO. C-2019-3010398

PPL-AMTRAK-I-1 Please provide copies of all contracts between Amtrak and CNE, or CNE's predecessors, for the past five years.

Objection: Amtrak objects to PPL-AMTRAK-I-1 on the basis that this request is overly broad, beyond the scope of the Complaint, and not relevant to this proceeding nor likely to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). As stated in the General Objections, contracts between Amtrak and CNE, or CNE's predecessors, at locations outside of the PPL Electric zone are overly broad and not likely to lead to the discovery of admissible evidence. Additionally, Amtrak objects to this interrogatory on the basis that it would require an investigation into each supply arrangement of Amtrak. Amtrak purchases electric supply at many locations across the United States. Locating and providing such records would unreasonably burden Amtrak, require Amtrak to incur unreasonable expenses, and constitute an unreasonable investigation. 52 Pa. Code § 5.361(a)(2), (4).

Notwithstanding the objection, Amtrak will endeavor to provide a response to this request for requested contracts, within the PPL Electric zone, executed within the past five years.

NATIONAL RAILROAD PASSENGER CORPORATION
OBJECTIONS TO PPL ELECTRIC UTILITIES CORPORATION'S
INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS – SET I

DOCKET NO. C-2019-3010398

PPL-AMTRAK-I-3 Please provide copies of all supply agreements between CNE and Safe Harbor for the past five years.

Objection: Amtrak objects to PPL-AMTRAK-I-3 to the extent it seeks information or documents from Amtrak that are not in the possession of Amtrak or to which Amtrak was not a party.

Notwithstanding the aforementioned objection, Amtrak will provide a response.

NATIONAL RAILROAD PASSENGER CORPORATION
OBJECTIONS TO PPL ELECTRIC UTILITIES CORPORATION'S
INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS – SET I

DOCKET NO. C-2019-3010398

PPL-AMTRAK-I-5 Please provide copies of all correspondence for the past five years between Amtrak and CNE, or CNE's predecessors, related to Amtrak's generation and/or transmission service in the PJM Zone.

Objection: Amtrak objects to PPL-AMTRAK-I-5 on the basis that this request is overly broad, beyond the scope of the Complaint, and not relevant to this proceeding nor likely to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The question is not limited in geographic scope to Conestoga, nor is it limited to the transmission issues that are the subject of this proceeding. Amtrak also objects to PPL-AMTRAK-I-5 on the basis that this request is an unreasonable burden on Amtrak, requires Amtrak to incur unreasonable expenses, and constitutes an unreasonable investigation. 52 Pa. Code § 5.361(a)(2), (4).

As stated in the General Objections, Amtrak may, at different times, have contracts with CNE all over the Northeastern United States. Communications between Amtrak and CNE can involve engineering, metering, billing, power scheduling protocol, and many other issues, pertaining to any of those locations. To provide every instance of correspondence between Amtrak and CNE, or CNE's predecessors, at locations outside of the PPL Electric zone is overly broad and not likely to lead to the discovery of admissible evidence. Amtrak also objects to this interrogatory on the basis that it would require a vast number of employees and contractors who communicate with CNE to conduct research. Locating and providing such records would unreasonably burden Amtrak, require Amtrak to incur unreasonable expenses, and constitute an unreasonable investigation. 52 Pa. Code § 5.361(a)(2), (4). Additionally, due to Amtrak's document retention policy, correspondence older than three years may not, in many cases, be available to Amtrak.

Amtrak will not provide a response to this request unless and until the request is narrowed by PPL Electric.

NATIONAL RAILROAD PASSENGER CORPORATION
OBJECTIONS TO PPL ELECTRIC UTILITIES CORPORATION'S
INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS – SET I

DOCKET NO. C-2019-3010398

PPL-AMTRAK-I-6 Please provide all correspondence for the past five years between Amtrak and Safe Harbor related to Amtrak's generation and/or transmission service in the PJM Zone.

Objection: Amtrak objects to PPL-AMTRAK-I-6 on the basis that this request is overly broad, beyond the scope of the Complaint, and not relevant to this proceeding nor likely to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). This question seeks information beyond the scope of this proceeding, which is the PPL transmission charges for Amtrak's account. Amtrak also objects to this request on the basis that this request is an unreasonable burden on Amtrak, requires Amtrak to incur unreasonable expenses, and constitutes an unreasonable investigation. 52 Pa. Code § 5.361(a)(2), (4). Further, Amtrak objects to this request to the extent any communications between Amtrak and Safe Harbor are part of ongoing negotiations or subject to settlement privilege. 52 Pa. Code § 5.361(a)(3); 5.231(d).

**NATIONAL RAILROAD PASSENGER CORPORATION
OBJECTIONS TO PPL ELECTRIC UTILITIES CORPORATION'S
INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS – SET I**

DOCKET NO. C-2019-3010398

PPL-AMTRAK-I-7 Please provide all correspondence for the past five years between Amtrak and PJM related to Amtrak's generation and/or transmission service in the PJM Zone.

Objection: Amtrak objects to PPL-AMTRAK-I-7 to the extent any correspondence between Amtrak and PJM is part of ongoing negotiations or subject to settlement privilege. 52 Pa. Code § 5.361(a)(3); 5.231(d). Amtrak also objects to this request on the basis that correspondence regarding Amtrak's generation or transmission service outside the PPL Electric zone is overly broad and beyond the scope of the Complaint and not relevant to this proceeding nor likely to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c).

Notwithstanding the aforementioned objection, Amtrak will provide a response to this request.

NATIONAL RAILROAD PASSENGER CORPORATION
OBJECTIONS TO PPL ELECTRIC UTILITIES CORPORATION'S
INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS – SET I

DOCKET NO. C-2019-3010398

PPL-AMTRAK-I-8

- a) Does Amtrak know where CNE acquires generation to serve Amtrak?
- b) If yes, list each and every entity from which CNE has acquired generation to serve Amtrak within the past five years.
- c) Please provide any contracts or agreements in Amtrak's possession governing generation used to serve Amtrak within the last five years

Objection:

Amtrak objects to PPL-AMTRAK-I-8 on the basis that this request is overly broad and beyond the scope of the Complaint and not relevant to this proceeding nor likely to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c).

As stated in the General Objections and in the Objection to PPL-AMTRAK-I-1, Amtrak purchases generation from CNE at many locations outside of the PPL Electric zone. Consequently, this request is overly broad and not likely to lead to the discovery of admissible evidence. Additionally, Amtrak also objects to this interrogatory on the basis that it would require an investigation into each supply arrangement of Amtrak, which purchases electric supply at many locations across the United States. Locating and providing such records would unreasonably burden Amtrak, require Amtrak to incur unreasonable expenses, and constitute an unreasonable investigation. 52 Pa. Code § 5.361(a)(2), (4).

Notwithstanding the objection, Amtrak will provide a response to this request to the extent Amtrak is involved in any supply arrangements.

NATIONAL RAILROAD PASSENGER CORPORATION
OBJECTIONS TO PPL ELECTRIC UTILITIES CORPORATION'S
INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS – SET I

DOCKET NO. C-2019-3010398

PPL-AMTRAK-I-9

- a) Has Amtrak ever disputed, or questioned in any manner, charges from CNE for generation or transmission service?
- b) If yes, fully explain.

Objection:

Amtrak objects to PPL-AMTRAK-I-9 on the basis that this request is overly broad. 52 Pa. Code § 5.321(c).

As stated in the General Objections and in the Objection to PPL-AMTRAK-I-1, Amtrak purchases generation from CNE at many locations outside of the PPL Electric zone. The phrase "questioned in any manner" is immensely broad, as that could involve simple questions and inquiries by Amtrak employees, communication between CNE and Amtrak's contractors, and many other situations. Also, as stated previously, Amtrak's relationship with CNE outside the PPL Electric zone is not relevant to this proceeding, nor are any non-transmission communications relevant in this proceeding. 52 Pa. Code § 5.321(c). Consequently, this request is overly broad. Locating and providing such records would unreasonably burden Amtrak, require Amtrak to incur unreasonable expenses, and constitute an unreasonable investigation. 52 Pa. Code § 5.361(a)(2), (4).

Notwithstanding the objection, Amtrak will provide a response to this request to encompass any dispute by Amtrak of a CNE bill pertaining to transmission service in the PPL Electric zone within the last five years, for which Amtrak has record.

NATIONAL RAILROAD PASSENGER CORPORATION
OBJECTIONS TO PPL ELECTRIC UTILITIES CORPORATION'S
INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS – SET I

DOCKET NO. C-2019-3010398

PPL-AMTRAK-I-10

- a) Please provide the name and contact information of all suppliers from which Amtrak took service during the past five years.
- b) Provide the dates during which Amtrak took service from each supplier listed in response to part (a).

Objection:

Amtrak objects to PPL-AMTRAK-I-10 on the basis that this request is overly broad and beyond the scope of the Complaint and not relevant to this proceeding nor likely to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c).

As stated in the General Objections and in the Objection to PPL-AMTRAK-I-1, Amtrak purchases generation from CNE at many locations outside of the PPL Electric zone. Consequently, this request is overly broad and not likely to lead to the discovery of admissible evidence. Additionally, Amtrak also objects to this interrogatory on the basis that it would require an investigation into each supply arrangement of Amtrak, which purchases electric supply at many locations across the United States. Locating and providing such records would unreasonably burden Amtrak, require Amtrak to incur unreasonable expenses, and constitute an unreasonable investigation. 52 Pa. Code § 5.361(a)(2), (4).

Notwithstanding the objection, Amtrak will provide a response to this request to the extent Amtrak is involved in any supply arrangements for Conestoga.

**NATIONAL RAILROAD PASSENGER CORPORATION
OBJECTIONS TO PPL ELECTRIC UTILITIES CORPORATION'S
INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS – SET I**

DOCKET NO. C-2019-3010398

PPL-AMTRAK-I-11 Regarding complaint, paragraph 7, specifically define CNE.

- a) Identify CNE's corporate entity.
- b) Identify all entities with ownership interest in CNE.
- c) Has CNE conducted business under any other name within the past five years? If yes, please provide the name(s).

Objection:

Amtrak objects to PPL-AMTRAK-I-11 on the basis that this request asks Amtrak to conduct research of information on PPL Electric's behalf. Such information is presumably publicly available and is not unique to Amtrak. This request would therefore unreasonably burden Amtrak, require Amtrak to incur unreasonable expenses, and constitute an unreasonable investigation. 52 Pa. Code § 5.361(a)(2), (4).

Additionally, PPL Electric's request to "specifically define CNE" is unclear. Amtrak identified CNE's corporate name in Amtrak's Complaint.

NATIONAL RAILROAD PASSENGER CORPORATION
OBJECTIONS TO PPL ELECTRIC UTILITIES CORPORATION'S
INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS – SET I

DOCKET NO. C-2019-3010398

PPL-AMTRAK-I-12 Regarding complaint, paragraph 24, specifically define Safe Harbor.

- a) Identify Safe Harbor's corporate entity.
- b) Identify all entities with ownership interest in Safe Harbor.
- c) Has Safe Harbor conducted business under any other name within the past five years? If yes, please provide the name(s).

Objection:

Amtrak objects to PPL-AMTRAK-I-12 on the basis that this request asks Amtrak to conduct research of information on PPL Electric's behalf. Such information is presumably publicly available and is not unique to Amtrak. This request would therefore unreasonably burden Amtrak, require Amtrak to incur unreasonable expenses, and constitute an unreasonable investigation. 52 Pa. Code § 5.361(a)(2), (4).

Additionally, PPL Electric's request to "specifically define Safe Harbor" is unclear. Amtrak identified Safe Harbor's corporate name in Amtrak's Complaint.

NATIONAL RAILROAD PASSENGER CORPORATION
OBJECTIONS TO PPL ELECTRIC UTILITIES CORPORATION'S
INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS – SET I

DOCKET NO. C-2019-3010398

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

Robert A. Weishaar, Jr. (I.D. No. 74678)
Pamela C. Polacek (I.D. No. 78276)
Matthew L. Garber (I.D. No. 322855)
McNEES WALLACE & NURICK LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
Phone: (717) 232-8000
bweishaar@mcneeslaw.com
ppolacek@mcneeslaw.com
mgarber@mcneeslaw.com

Counsel to the National Railroad Passenger
Corporation

Dated: July 22, 2019

CERTIFICATE OF SERVICE

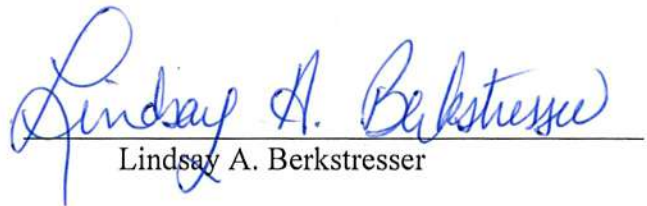
I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA E-MAIL AND FIRST CLASS MAIL

Robert A. Weishaar, Jr., Esquire
McNees Wallace & Nurick LLC
1200 G Street, NW, Suite 800
Washington, DC 20005
E-mail: bweishaar@mcneeslaw.com

Pamela C. Polacek, Esquire
Matthew L. Garber, Esquire
McNees, Wallace & Nurick LLC
100 Pine Street
Harrisburg, PA 17108-1166
E-mail: ppolacek@mcneeslaw.com
mgarber@mcneeslaw.com

Date: August 7, 2019


Lindsay A. Berkstresser