

Lawrence and Debra Esposito  
4239 High Rd., Cresco, PA 18326

August 14, 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: Lawrence And Debra Esposito v. PPL Electric Utilities Corporation  
Docket No. C-2019-3007334**

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Dear Secretary Chiavetta:

Enclosed for filing is the appeal by Lawrence and Debra Esposito to the Honorable Elizabeth Barnes and the Public Utilities Commission of the granting by Honorable Elizabeth Barnes of a Motion by PPL Electric Utilities Corporation to Compel Responses to Discovery Propounded on Lawrence and Debra Esposito – Set I in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully,



Lawrence Esposito

cc: Honorable Elizabeth Barnes  
Gladys Brown Dutrieuille, Chairman, Pennsylvania Public Utility Commission  
David W. Sweet, Vice Chairman, Pennsylvania Public Utility Commission  
Andrew G. Place, Commissioner, Pennsylvania Public Utility Commission  
Norman J. Kennard, Commissioner, Pennsylvania Public Utility Commission  
John F. Coleman Jr., Commissioner, Pennsylvania Public Utility Commission  
Certificate of Service

attachments: Order Granting Motion to Compel, Objection to Motion To Compel, Protective Order.

## 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

Devin Ryan  
Post and Schell  
17 North Second Street 12th Floor  
Harrisburg, PA 17101-1601  
[dryan@postschell.com](mailto:dryan@postschell.com)



Date: August 14, 2019

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Lawrence Esposito

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Lawrence and Debra Esposito,  
Complainants,

v.

PPL Electric Utilities Corporation,  
Respondent.

Docket No. C-2019-3007334

**PETITION TO HONORABLE ELIZABETH BARNES AND TO THE PENNSYLVANIA  
PUBLIC UTILITIES COMMISSION  
CONCERNING HONORABLE ELIZABETH BARNES DECISION  
TO GRANT THE MOTION OF PPL ELECTRIC UTILITIES CORPORATION  
TO COMPEL RESPONSES TO DISCOVERY PROPOUNDED ON  
LAWRENCE AND DEBRA ESPOSITO – SET I**

**TO HONORABLE ELIZABETH BARNES AND TO THE COMMISSION:**

Pursuant to 52 Pa. Code §5.302, Lawrence and Debra Esposito request that the Motion to Compel Responses be rescinded for the following reasons:

**1. According to “The Office of Administrative Law Judge Operating Procedures Manual, Chapter 2, Section 4.3, paragraph B.” states: (emphasis added)**

“B. Pro Se Participants – individuals representing themselves create special problems for ALJs regarding the development of a full and complete record. An ALJ may allow them to retain counsel. Unrepresented participants are allowed to exercise their rights within the limits of the Commission’s processes, but must meet the requirements of notice, due process, and orderly conduct. ALJs should explain the process and the ALJs role to unrepresented participants, including the burden of proof, the right to cross examine, etc..”

**1. OUR FIRST CONTENTION:** We are “individuals representing ourselves” and at no point were we informed about any of the procedures, timings, filings, and other important parts of the process. We were given no instructions.

- a) We do not have an attorney and cannot afford one.

- b) We do not understand the intricacies of legal language and forms which puts us at a technical disadvantage even before a hearing can commence.
- c) With no legal advice to interpret the various laws we have missed several deadlines already which has severely limited our ability to both protect our rights and to present our case. For example, we were not aware of the time limit for filing objections to an interrogatory. As a result PPL is trying to force us, against our will and our rights, to provide personal information and documents that are irrelevant to this hearing.
- d) As another example, we do not understand the attached “Protective Order”: neither its purpose nor what we are supposed to do with it.

**2. OUR SECOND CONTENTION:** Based on the following quote from the Honorable Elizabeth Barnes granting of PPL’s Motion to Compel (**EMPHASIS ADDED**): “I find information requested in PPL Interrogatories 2-3 may be admissible or lead to discovery of admissible evidence at the hearing and is discoverable under the broad terms of 52 Pa. Code Section 5.321. Whether there are devices emitting radio frequency fields in the service property and the frequency and duration of the usage of these devices, including cell phones, may be admissible and relevant at the hearing.”

- a) That certain personal and privileged information “may be” admissible and relevant is not a justification for forcing us to reveal personal and privileged information.
- b) PPL has compiled voluminous testimony from their paid experts relating to smart meter health issues. Upon examining this testimony it appears to be totally unnecessary for PPL’s case to compel us to reveal personal and privileged information such as they have requested. Therefore we conclude that the apparent object of PPL’s demand for this information is harassment and intimidation. Put simply: they do not need this information to make their case. Attempting to force us into providing information that “may be admissible and relevant” is legal bullying and should not be allowed in a dispute where both parties allegedly seek justice.

## **CONCLUSION**

Docket No. C-2019-3007334 is an Administrative Hearing. This is not a criminal proceeding. This is not a lawsuit. This is a complaint filed by citizens of the Commonwealth of Pennsylvania and of the

United States of America. We have rights under the state and federal constitutions as well as the common law: "...that among these are the right to life, liberty, and the pursuit of happiness."

PPL has not shown that the personal and privileged information they are demanding is critical to their case. The information PPL has requested is, at best, only tangentially relevant, at worst, an attempt to harass and intimidate.

**THEREFORE WE REQUEST THAT HONORABLE ELIZABETH BARNES DECISION TO GRANT THE "MOTION OF PPL ELECTRIC UTILITIES CORPORATION TO COMPEL RESPONSES TO DISCOVERY PROPOUNDED ON LAWRENCE AND DEBRA ESPOSITO – SET I" BE RESCINDED.**

**Respectfully Submitted:**



**Lawrence Esposito**

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