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File #: 167945

August 27, 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: Chris Lawton v. PPL Electric Utilities Corporation**  
**Docket No. C-2018-3005582**

Dear Secretary Chiavetta:

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

Respectfully submitted,



Devin Ryan

DTR/dmc  
Enclosures

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


**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 FIRST CLASS MAIL**

Chris Lawton  
2611 Hazelwood Road  
Lancaster, PA 17601

Date: August 27, 2019



Devin T. Ryan

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Chris Lawton,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2018-3005582
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	


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**NOTICE TO PLEAD**

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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: August 27, 2019

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Chris Lawton,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2018-3005582
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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

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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 Chris Lawton (“Complainant”) – Set I. In support of its Motion, PPL Electric states as follows:

**I. INTRODUCTION**

1. On February 22, 2019, PPL Electric served Interrogatories and Requests for Production of Documents on the Complainant – Set I (“PPL to Complainant Set I”) via first class 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 March 7, 2019, and responses were due on or before March 18, 2019.<sup>1</sup>

3. The Complainant never served any objections to PPL to Complainant Set I by March 7, 2019.

4. On May 24, 2019, the Complainant served his 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 1(b)-(d), 3, 4, 5, 6, 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 August 16, 2019, counsel for PPL Electric left the Complainant a detailed voicemail about, among other things, the deficiencies with the discovery responses.

6. On August 19, 2019, the Complainant sent PPL Electric's counsel an email in response to the August 16, 2019 voicemail. The Complainant stated that he does not intend to call any expert witnesses, but if that changes between now and the hearing, he would inform PPL Electric. To the Complainant, that statement about the expert witnesses answers Questions 5 through 7. Further, he contended that his response to subpart (a) of Question 1 sufficiently answered subparts (b)-(d) of Question 1. Moreover, the Complainant maintained that Questions 3 and 4 are irrelevant.

7. To date, the Complainant has never sent complete responses to PPL to Complainant Set I, Questions 1(b)-(d), 3, 4, 5, 6, and 7.

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<sup>1</sup> Because the discovery was served via first class mail by the United States Postal Service ("USPS"), three days were added to the prescribed period for response. *See* 52 Pa. Code § 1.56(b).

## 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 1(b)-(d), 3, 4, 5, 6, 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).<sup>2</sup>

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.

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<sup>2</sup> 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.

14. For the reasons stated in more detail below, the ALJ should direct the Complainant to answer fully PPL to Complainant Set I, Questions 1(b)-(d), 3, 4, 5, 6, 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 1(b)-(d), 3, 4, 5, 6, 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 1**

15. PPL to Complainant-I-1 requests the following:

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.

16. The Complainant's response to PPL to Complainant-I-1 states:

a) I will be arguing that a public utility like PPL, should operate off a customer-centric business model in line with the spirit of the utility code, and indeed, if they were doing that, they would listen to what their customers are both experiencing & requesting. (Please refer original formal complaint letter).

I am an excellent bill-paying customer of PPL, with above average electricity use.

When other industries, indeed even utilities in nearly every other state of the USA, have done what PPL is trying to do to their customer base, (such as they are with enforcing transmitting Smart Meters), they have either been regulated by commissions, or, faced customer backlash and negative media exposure, and rightly offered alternatives to customers.

I will present that it is indeed discrimination, which goes against the code, to force transmitting meters on customers when satisfactory modern non-transmitting alternatives are available.

I will be presenting the fact that our residence, with infants, will be exposed to two sets of EMF and RF transmitting meters — electric and water — and that it is unreasonable & inaccurate for PPL to argue that outdated guidelines cover the safety aspects of their meter- when in fact there will be two transmitting meters in close proximity, both emitting, regular bursts of EMF radiation. PPL will have no idea of the total amounts of radiation being emitted in our home, and cannot know if this is within safe limits.

I will present that various agencies and even industry professionals — are indicating serious health risks with EMF radiation, especially to infants, of which we have.

We took significant efforts (time and cost) to locate our house well away from cell towers and RF emitting sources, and PPL is negating those efforts. We took readings at all potential homes. We have taken significant efforts (time and cost) to ensure that there is no WIFI or RF radiation coming from our home- and PPL is negating those efforts. We are fully hard-wired and have been for many years.

In Summary : we are reasonably, in line with the code, protecting our rights to good health, privacy, and rights to control and manage the source and levels of RF/EMF use on our private residence.

Importantly- PPLs threatened termination of electrical service, if allowed, would have constituted a denial of essential electric service to a pregnant customer (my partner) who needs electricity for health and safety of mother and child.

b) Until receive responses to my (included) interrogatories and request for production of documents from PPL, I cannot confirm this question, as yet, as it depends on the answers supplied by PPL.

HOWEVER, I will say, that this whole process caused us significant stress and burden, when my wife was pregnant - PPL threatened to cut off our electricity with ONLY one notice — and this was a 3 day notice. I will highlight that PPL did not follow the standard and expected communication protocol with us.

We received no notice prior to the 3 day cut-off notice. A minimum 10 day notice is required.

It has been intimidating and stressful to us — that PPL, by using their contractors to drive past, numerous times, and return to approach our house uninvited to say they were here to put on a smart meter. This occurred, even despite a format [sic] complaint having been raised with PUC, and a hearing date arranged.

c) Until I receive responses to my (included) interrogatories and request for production of documents from PPL, I cannot confirm this question, as yet, as it depends on the answers supplied by PPL.

d) Until receive responses to my (included) interrogatories and request for production of documents from PPL, I cannot confirm this question, as yet, as it depends on the answers supplied by PPL.

e) PPL is not beholden by the Act to install wireless meters. By the code, PPL is not permitted to create unsafe, unhealthy or unreasonable conditions at a customer's premises.

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 he refused to answer subparts (b) through (d) until he received PPL Electric's responses to his discovery requests.

19. As evidenced by the Certificate of Service filed with the Commission in this proceeding, PPL Electric served its answers to the Complainant's discovery requests on June 17, 2019.

20. However, the Complainant has yet to supplement his responses to subparts (b) through (d) of PPL to Complainant-I-1, as required by the Commission's regulations.

21. In addition, to the extent that the Complainant believes that the response to subpart (a) sufficiently answers subparts (b) through (d), he should supplement his responses to subparts (b) through (d) to reference the answer to subpart (a).

22. For these reasons, the ALJ should direct the Complainant to supplement his discovery responses and answer fully PPL to Complainant Set I, Question 1.

**B. PPL TO COMPLAINANT SET I, QUESTION 3**

23. 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.

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

- We use 2 cellphones, Motorola, BUT off the property IE. outdoors if absolutely necessary

- I refuse to supply phone records , on the grounds that this is:

A) Confidential & private information.

B) Home cellphones are on occasion used for work, and this is private information to my employer

C) We use Voice over IP (internet phone) and Skype (all hard-wired) for 99% of communications.

D) If we do use a cellphone- we limit cellphone use to the extreme. Phones are left in airplane mode, and we use Voicemail

to return calls, firstly via Skype, or Messenger, or when off the property. Therefore phone records are irrelevant to this case — as stated we do not use on the property unless there is an emergency or a pressing need. Under our Constitutional rights to privacy this information is unavailable. This is answered in I-2.

25. 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).

26. The response served by the Complainant was non-responsive and incomplete because he refused to answer the question on the grounds that providing this information is confidential and private, this information is irrelevant, and disclosure of this information would violate his “Constitutional rights to privacy.”

27. However, the deadline to serve any objections was March 7, 2019.

28. The Complainant’s response was served on May 24, 2019.

29. Therefore, the Complainant waived his right to object to this interrogatory.

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

31. 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).

32. 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.

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

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

35. The Complainant claims that he 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.

36. In fact, in the response to this interrogatory, the Complainant mentions that his family “use[s] 2 cellphones, Motorola.”

37. 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 and members of his household choose to use the phones.

38. Finally, nothing in the Complainant's response establishes how this information is confidential and private. Furthermore, to the extent that the Complainant has concerns about the account numbers or payment information from these bills being disclosed, the Complainant can redact them from the bills. PPL Electric simply needs the records to quantify and verify the amount of time that the cell phones are used.

39. 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**

40. 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.

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

- a) This question is irrelevant as we do not have a Smart Meter installed as yet. And I am not claiming any existing/ recent health conditions due to the influence of a smart meter, when it is not installed.
- b) As above.
- c) As above.
- d) As above.
- e) As above.

42. 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).

43. The response served by the Complainant to Question 4 was non-responsive and incomplete.

44. The response claims that this interrogatory “is irrelevant” because the AMI meter is not installed yet.

45. However, the deadline to serve any objections was March 7, 2019.

46. The Complainant’s response was served on May 24, 2019.

47. Therefore, the Complainant waived his right to object to interrogatory.

48. Moreover, the Complainant alleges that the new AMI meter will cause, contribute to, or exacerbate adverse health effects.

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

50. Yet, the Complainant has refused to provide: (1) any medical records about the health conditions that allegedly will be caused, by 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.

51. Moreover, contrary to the Complainant's response, PPL Electric did not only ask about the health conditions that have been caused by an AMI meter.

52. Rather, PPL Electric asked the Complainant to "identify 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." (emphasis added).

53. 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, QUESTIONS 5 THROUGH 7**

54. PPL to Complainant-I-5 through 7 request the following:

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.

55. The Complainant's responses to PPL to Complainant-I-5 through 7 state:

**Question-I-5.**

- a) Until I receive responses to my (included) interrogatories and request for production of documents from PPL, I cannot confirm this question, as yet, as it depends on the answers supplied by PPL.
- b) As above.
- c) As above.

**Question-I-6.**

- a) Please refer to answer provided to Question-I-5. Same response.
- b) As above
- c) As above
- d) As above

**Question-I-7.**

- a) Please refer to answer provided to Question-I-5. Same response.

56. 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).

57. The responses served by the Complainant were non-responsive and incomplete because he refused to answer PPL to Complainant Set I, Questions 5 through 7 until he received PPL Electric's responses to his discovery requests.

58. As evidenced by the Certificate of Service filed with the Commission in this proceeding, PPL Electric served its answers to the Complainant's discovery requests on June 17, 2019.

59. However, the Complainant has yet to supplement his responses to Questions 5 through 7, as required by the Commission's regulations.

60. In addition, as noted previously, the Complainant stated in his email dated August 19, 2019, that he is not planning to call any expert witnesses and that he believes that answers Questions 5 through 7.

61. While that may be responsive to Question 6, which asks about expert witnesses, his statement does not answer Question 5, which concerns fact witnesses, and Question 7, which asks for copies of the Complainant's hearing exhibits.

62. Based on the foregoing, the ALJ should direct the Complainant to supplement his discovery responses and answer fully PPL to Complainant Set I, Questions 5 through 7.

### **III. SANCTIONS**

63. 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).

64. 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).

65. If the Complainant fails to provide full and complete responses to PPL Electric’s discovery requests in sufficient time before the September 26, 2019 hearing, PPL Electric will be deprived of a reasonable opportunity to prepare for the hearing and respond to the Complainant’s claims.

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

67. For example, if the Complainant fails to produce 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.

68. Similarly, if the Complainant fails to produce information about current exposure to RF fields as requested in Question 3, including but not limited to bills showing the extent of cell phone use, then the Complainant would be precluded from litigating claims that PPL Electric’s AMI meter exposes him and members of his household to unreasonable levels of RF fields.

69. 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

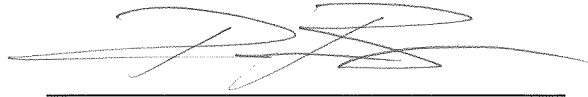
intends to file an appropriate motion pursuant to 52 Pa. Code §§ 5.371(a) and 5.372(a) to dismiss the Complaint with prejudice.

70. 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 Chris Lawton 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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Date: August 27, 2019

Attorneys for PPL Electric Utilities Corporation

# **APPENDIX A**

## **Interrogatories and Requests for Production of Documents Propounded by PPL Electric Utilities Corporation on Chris Lawton – Set I**



17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601  
717-731-1970 Main  
717-731-1985 Main Fax  
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Devin Ryan

dryan@postschell.com  
717-612-6052 Direct  
717-731-1981 Direct Fax  
File #: 167945

February 22, 2019

***VIA REGULAR MAIL***

Chris Lawton  
2611 Hazelwood Road  
Lancaster, PA 17601

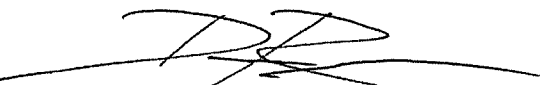
**Re: Chris Lawton v. PPL Electric Utilities Corporation**  
**Docket No. C-2018-3005582**

Dear Mr. Lawton:

Enclosed are the Interrogatories and Requests for Production of Documents Propounded by PPL Electric Utilities Corporation on Chris Lawton – 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

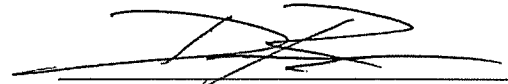
**CERTIFICATE OF SERVICE**

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 FIRST CLASS MAIL**

Chris Lawton  
2611 Hazelwood Road  
Lancaster, PA 17601

Date: February 22, 2019



Devin T. Ryan

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Chris Lawton,	:	
	:	
Complainant	:	
	:	
v.	:	Docket No. C-2018-3005582
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent	:	

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

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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 Chris Lawton (“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-2018-3005582.

**INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS PROPOUNDED ON  
CHRIS LAWTON – 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**

## **Chris Lawton's Answers to PPL Electric Utilities Corporation's Interrogatories and Requests for Production of Documents – Set I**

MAY 28 2019

**Lawton.C - response to questions from Post & Schell (Docket # C-2018-3005582).**

**May 24, 2019**

**2611 Hazelwood Rd  
Lancaster  
PA 17601**

Note: if you need me to include the questions you asked, please supply me with a soft-copy at your earliest convenience. I do not want to transcribe your lengthy questions, as I am concerned I may make an accidental error.

**Question I-1.**

a) I will be arguing that a public utility like PPL, should operate off a customer-centric business model *in line with the spirit of the utility code*, and indeed, if they were doing that, they would listen to what their customers are both experiencing & requesting. (Please refer original formal complaint letter).

I am an excellent bill-paying customer of PPL, with above average electricity use.

When other industries, indeed even utilities in nearly every other state of the USA, have done what PPL is trying to do to their customer base, (such as they are with enforcing transmitting Smart Meters), they have either been regulated by commissions, or, faced customer backlash and negative media exposure, and rightly offered alternatives to customers.

I will present that it is indeed discrimination, which goes against the code, to force transmitting meters on customers when satisfactory modern non-transmitting alternatives are available.

I will be presenting the fact that our residence, with infants, will be exposed to two sets of EMF and RF transmitting meters – electric and water – and that it is unreasonable & inaccurate for PPL to argue that outdated guidelines cover the safety aspects of their meter- when in fact there will be two transmitting meters in close proximity, both emitting, regular bursts of EMF radiation. PPL will have no idea of the total amounts of radiation being emitted in our home, and cannot know if this is within safe limits.

I will present that various agencies and even industry professionals – are indicating serious health risks with EMF radiation, especially to infants, of which we have.

We took significant efforts (time and cost) to locate our house well away from cell towers and RF emitting sources, and PPL is negating those efforts. We took readings at all potential homes. We have taken significant efforts (time and cost) to ensure that there is no WIFI or RF radiation coming from our home- and PPL is negating those efforts. We are fully hard-wired and have been for many years.

In Summary : we are reasonably, in line with the code, protecting our rights to good health, privacy, and rights to control and manage the source and levels of RF/EMF use on our private residence.

Importantly- PPLs threatened termination of electrical service, if allowed, would have constituted a denial of essential electric service to a pregnant customer (my partner) who needs electricity for health and safety of mother and child.

b) Until I receive responses to my (included) interrogatories and request for production of documents from PPL, I cannot confirm this question, as yet, as it depends on the answers supplied by PPL.

HOWEVER, I will say, that this whole process caused us significant stress and burden, when my wife was pregnant - PPL threatened to cut off our electricity with ONLY one notice – and this was a 3 day notice. I will highlight that PPL did not follow the standard and expected communication protocol with us.

We received no notice prior to the 3 day cut-off notice. A minimum 10 day notice is required. It has been intimidating and stressful to us – that PPL, by using their contractors to drive past, numerous times, and return to approach our house uninvited to say they were here to put on a smart meter. This occurred, even despite a format complaint having been raised with PUC, and a hearing date arranged.

c) Until I receive responses to my (included) interrogatories and request for production of documents from PPL, I cannot confirm this question, as yet, as it depends on the answers supplied by PPL.

d) Until I receive responses to my (included) interrogatories and request for production of documents from PPL, I cannot confirm this question, as yet, as it depends on the answers supplied by PPL.

e) PPL is not beholden by the Act to install wireless meters. By the code, PPL is not permitted to create unsafe, unhealthy or unreasonable conditions at a customer's premises.

#### **Question I-2**

- We have no wireless phone
- We have two cellphones, switched to airplane mode when in the property
- We have no microwave oven
- We have no WIFI router
- We have no WIFI networks
- We have 1 tablet – not connected to WIFI (WIFI off)
- We have 3 laptops - not connected to WIFI (WIFI off) – all hardwired
  - o We have been hardwiring for a decade. We use Ethernet.
  - o I occasionally help others with questions on hard-wiring.
- We have no WIFI security system
- We have no smart speakers
- We have no baby monitor WIFI
- We have no walkie talkies
- We have garage door openers but cars are not parked in the garage (so rarely used).

#### **Question I-3**

- We use 2 cellphones, Motorola, BUT off the property IE. outdoors if absolutely necessary
- I refuse to supply phone records , on the grounds that this is:
  - A) Confidential & private information.
  - B) Home cellphones are on occasion used for work, and this is private information to my employer
  - C) We use Voice over IP (internet phone) and Skype (all hard-wired) for 99% of communications.
  - D) If we do use a cellphone- we limit cellphone use to the extreme. Phones are left in airplane mode, and we use Voicemail to return calls, firstly via Skype, or Messenger, or when off the property. Therefore phone records are irrelevant to this case – as stated we do not use on the property unless there is an emergency or a pressing need.

**Question-I-4.**

- a) This question is irrelevant as we do not have a Smart Meter installed as yet. And I am not claiming any existing/ recent health conditions due to the influence of a smart meter, when it is not installed.
- b) As above.
- c) As above.
- d) As above.
- e) As above.

**Question-I-5.**

- a) Until I receive responses to my (included) interrogatories and request for production of documents from PPL, I cannot confirm this question, as yet, as it depends on the answers supplied by PPL.
- b) As above.
- c) As above.

**Question-I-6.**

- a) Please refer to answer provided to Question-I-5. Same response.
- b) As above
- c) As above
- d) As above

**Question-I-7.**

- a) Please refer to answer provided to Question-I-5. Same response.