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September 3, 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: John Codella v. PPL Electric Utilities Corporation
Docket No. C-2019-3010437

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: Honorable Joel H. Cheskis (*w/enclosures*)
Certificate of Service

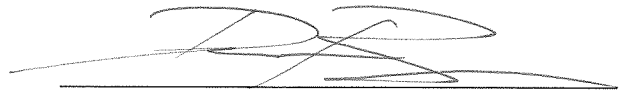
CERTIFICATE OF SERVICE

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).

FIRST CLASS MAIL

John Codella
107 Cindy Court
Newfoundland, PA 18445

Date: September 3, 2019

A handwritten signature in black ink, appearing to read "Devin T. Ryan", written over a horizontal line.

Devin T. Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

John Codella,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2019-3010437
	:	
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: September 3, 2019

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

John Codella,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2019-3010437
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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

TO ADMINISTRATIVE LAW JUDGE JOEL H. CHESKIS:

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

I. INTRODUCTION

1. On July 31, 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 August 13, 2019, and responses were due on or before August 23, 2019.¹

¹ Because the discovery was served via certified 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).

3. The Complainant never served any objections to PPL to Complainant Set I by August 13, 2019.

4. On August 14, 2019, PPL Electric received the Complainant's 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 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 called PPL Electric's counsel and stated that he was not willing to provide complete responses to Questions 3 and 4 and that he was still working supplementing the responses to Questions 5, 6, and 7. Given that the responses were not due until August 23, 2019, PPL Electric agreed that the Complainant could supplement his responses by August 23, 2019.

7. On August 20, 2019, the Complainant served his supplemental responses to PPL to Complainant Set I via certified mail. Therein, the Complainant refused to provide or did not provide the information and materials requested in PPL to Complainant Set I, Questions 3, 4, 5, and 6. The Complainant did provide a response to Question 7. A true and correct copy of the Complainant's supplemental responses PPL to Complainant Set I, with the exception of the audio recording referenced in his response to Question 7, is attached hereto and marked as **Appendix C**.

8. To date, the Complainant has never sent complete responses to PPL to Complainant Set I, Questions 3, 4, 5, and 6.

II. MOTION TO COMPEL

9. PPL Electric requests that Administrative Law Judge Joel H. Cheskis (“ALJ”) compel responses to PPL to Complainant Set I, Questions 3, 4, 5, and 6.

10. 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.*

11. 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).²

12. 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).

13. 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.*

14. 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 3, 4, 5, and 6 and produce the documents sought by these requests.

² 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.

15. For the reasons stated in more detail below, the ALJ should direct the Complainant to answer fully PPL to Complainant Set I, Questions 3, 4, 5, and 6. 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 3, 4, 5, and 6, 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 3

16. 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.

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

I have an AT&T cell phone Android 7.1. When I use it I keep it on speaker phone and keep it away from my head. when it's not in use I keep it shut off in a different part of the house in a metal can.

18. The Complainant's supplemental response to PPL to Complainant-I-3 provides:

#3 phone records: I feel this is my private information and has nothing to do with the harmful smart meter.

19. 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).

20. The initial and supplemental responses served by the Complainant were non-responsive and incomplete.

21. In the supplemental response, the Complainant asserts that his phone records are not relevant to his Complaint and that these records are his "private information."

22. However, the deadline to serve any objections was August 13, 2019.

23. The Complainant never served an objection to this discovery request by August 13, 2019.

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

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

26. 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.

27. This is especially important because the Complainant has admitted that he owns and uses a cell phone.

28. 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.

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

B. PPL TO COMPLAINANT SET I, QUESTION 4

30. 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.

31. The Complainant's initial response to PPL to Complainant-I-4 states:

- (a) tinnitus, headaches, insomnia, fatigue and unknown illnesses. Until studies prove more about harmful effects of smart meters. I don't know all the problems that they cause.
- (b) On or around August 1, 2018, when the smart meter was installed I started hearing a high pitched sound, I started having more trouble sleeping, I was having more frequent headaches.
- (c) I've been to the Dr. for these ailments and I'm being treated. The medical records you require I feel is a breach of Dr. patient confidentiality.
- (d) I have medical records for tinnitus, headaches, trouble sleeping and severe anxiety due to the smart meter.
- (e) I'm seeking therapy and I'm under Dr.'s care as of this moment. I'm still seeking treatment and will be doing a before the meter and after the meter comparison.

32. The Complainant's supplemental response to PPL to Complainant-I-4 provides:

#4 Medical records: this is patient doctor confidentiality. But I did enclose a letter from one of my doctors about my concerns with the new smart meter.

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 initial and supplemental responses served by the Complainant were non-responsive and incomplete.

35. In the responses, the Complainant asserts that his medical records are protected by doctor-patient confidentiality.

36. However, the deadline to serve any objections was August 13, 2019.

37. The Complainant never served an objection to this discovery request by August 13, 2019.

38. In addition, the Complainant alleges that the new AMI meter has caused, contributed to, or exacerbated adverse health effects and that it will cause, contribute to, or exacerbate adverse health effects.

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

40. Moreover, the doctor's letter provided by the Complainant is completely insufficient for PPL Electric's medical expert to analyze the Complainant's health conditions.

41. The letter simply states that the Complainant "has severe anxiety" and that "his anxiety level has escalated dramatically" after the new AMI meter was installed. Further, the letter explains that the Complainant "definitely is responding to his belief that the meters are dangerous." Appendix C, p. 6.

42. This letter is not an actual medical record of the Complainant's health condition.

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

44. 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).

45. 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.

46. 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.

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

C. PPL TO COMPLAINANT SET I, QUESTION 5

48. PPL to Complainant-I-5 requests the following:

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.

49. The Complainant's initial response to PPL to Complainant-I-5 states:

As of this time I have three or more doctors that I am seeing about this situation. I have had an MRI and a CAT scan and will be doing further scans to compare the findings.

50. The Complainant's supplemental response to PPL to Complainant-I-5 provides:

#5 fact witness: I am waiting to see if I need to do an appeal first.

51. 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).

52. The responses served by the Complainant to Question 5 were non-responsive and incomplete.

53. The Complainant failed to provide any of the requested information about the fact witnesses, if any, whom the Complainant intends to have testify on his behalf at the evidentiary hearing.

54. This information is critical to PPL Electric's ability to prepare for the evidentiary hearing and present evidence in rebuttal to any witnesses' testimony. Currently, the Company has no information about any such witnesses, including their qualifications and subject matter of their testimony.

55. Moreover, the evidentiary hearing is currently scheduled for October 29, 2019, *i.e.*, less than two months away.

56. Given that the hearing is less than two months away, it is unclear how the Complainant still could not know whether he intends to present any fact witnesses at the hearing.

57. In addition, it is completely unclear what the Complainant means by him "waiting to see if [he] need[s] to do an appeal first."

58. The evidentiary hearing on October 29, 2019, is the Complainant's opportunity to present the evidence in support of his case, including the testimony of any witnesses. *See* 52 Pa. Code § 5.431(a) ("The record will be closed at the conclusion of the hearing unless otherwise directed by the presiding officer or the Commission.").

59. In addition, under the Prehearing Order issued in this proceeding, the Complainant was required to serve copies of his statements, reports, and any written expert testimony by August 27, 2019.

60. To date, the Complainant has never served any such statements, reports, or written expert testimony.

61. Thus, PPL Electric currently does not know any information about the witnesses, if any, whom the Complainant intends to call at the evidentiary hearing.

62. For these reasons, the ALJ should direct the Complainant to answer fully PPL to Complainant Set I, Question 5.

D. PPL TO COMPLAINANT SET I, QUESTION 6

63. PPL to Complainant-I-6 requests the following:

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.

64. The Complainant's initial response to PPL to Complainant-I-6 states:

If I need to I will be using the doctors that I'm working with.

65. The Complainant's supplemental response to PPL to Complainant-I-6 provides:

#6 I am waiting to see if I need to do an appeal first.

66. 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).

67. The responses served by the Complainant to Question 6 were non-responsive and incomplete.

68. The Complainant failed to provide any of the requested information about the expert witnesses, if any, whom the Complainant intends to have testify on his behalf at the evidentiary hearing.

69. This information is critical to PPL Electric's ability to prepare for the evidentiary hearing and present evidence in rebuttal to any witnesses' testimony. Currently, the Company has no information about any such witnesses, including their qualifications and subject matter of their testimony.

70. Moreover, the evidentiary hearing is currently scheduled for October 29, 2019, *i.e.*, less than two months away.

71. Given that the hearing is less than two months away, it is unclear how the Complainant still could not know whether he intends to present any fact witnesses at the hearing.

72. In addition, it is completely unclear what the Complainant means by him "waiting to see if [he] need[s] to do an appeal first."

73. The evidentiary hearing on October 29, 2019, is the Complainant's opportunity to present the evidence in support of his case, including the testimony of any witnesses. *See* 52 Pa.

Code § 5.431(a) (“The record will be closed at the conclusion of the hearing unless otherwise directed by the presiding officer or the Commission.”).

74. In addition, under the Prehearing Order issued in this proceeding, the Complainant was required to serve copies of his statements, reports, and any written expert testimony by August 27, 2019.

75. To date, the Complainant has never served any such statements, reports, or written expert testimony.

76. Thus, PPL Electric currently does not know any information about the expert witnesses, if any, whom the Complainant intends to call at the evidentiary hearing.

77. Based on the foregoing, the ALJ should direct the Complainant to answer fully PPL to Complainant Set I, Question 6.

III. NOTICE OF INTENT TO SEEK SANCTIONS

78. 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).

79. 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).

80. If the Complainant fails to provide full and complete responses to PPL Electric's discovery requests in sufficient time before the October 29, 2019 hearing, PPL Electric will be deprived of a reasonable opportunity to prepare for the hearing and respond to the Complainant's claims.

81. Accordingly, the Company respectfully requests that if the Complainant fails to produce the information and documents related to any of his claims by October 15, 2019, then the Complainant should be barred from litigating the corresponding claim(s).

82. For example, if the Complainant fails to produce his 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 adverse health effects or that the meter would cause, contribute to, or exacerbate adverse health effects.

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

84. 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.

85. 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).

86. Therefore, 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 for Sanctions pursuant to 52 Pa. Code §§ 5.371(a) and 5.372(a).

IV. CONCLUSION

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

Respectfully submitted,



Kimberly A. Klock (ID # 89716)
Michael J. Shafer (ID # 205681)
PPL Services Corporation
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Allentown, PA 18101
Phone: 610-774-2599
Fax: 610-774-4102
E-mail: kklock@pplweb.com
mjshafer@pplweb.com

Devin T. Ryan (ID # 316602)
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Date: September 3, 2019

Attorneys for PPL Electric Utilities Corporation

APPENDIX A

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



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12th Floor
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File #: 167945

July 31, 2019

VIA FIRST CLASS MAIL

John Codella
107 Cindy Court
Newfoundland, PA 18445

Re: John Codella v. PPL Electric Utilities
Docket No. C-2019-3009141

Dear Mr. Codella:

Enclosed are the Interrogatories and Requests for Production of Documents Propounded by PPL Electric Utilities Corporation on John Codella – 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/dmc
Enclosures

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

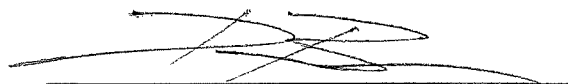
CERTIFICATE OF SERVICE

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).

FIRST CLASS MAIL

John Codella
107 Cindy Court
Newfoundland, PA 18445

Date: July 31, 2019

A handwritten signature in black ink, appearing to read "Devin T. Ryan", written over a horizontal line.

Devin T. Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

John Codella,	:	
	:	
Complainant	:	
	:	
v.	:	Docket No. C-2019-3010437
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent	:	

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED BY
PPL ELECTRIC UTILITIES CORPORATION ON
JOHN CODELLA – 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 John Codella (“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-2019-3010437.

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED ON
JOHN CODELLA – 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

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

AUG 14 2019

Re: John Codella vs. PPL Electric Utilities
Docket No. C-2019-3010437

I -1

(a) Electromagnetic fields can be harmful to your health. Not only do smart meters give off harmful microwaves they also produce more electro magnetic radiation than the old style meter. Here are some of the side effects:

Headaches, Insomnia, Fatigue, Tinnitus

Heart arrhythmia, palpitations

Decreased immune function

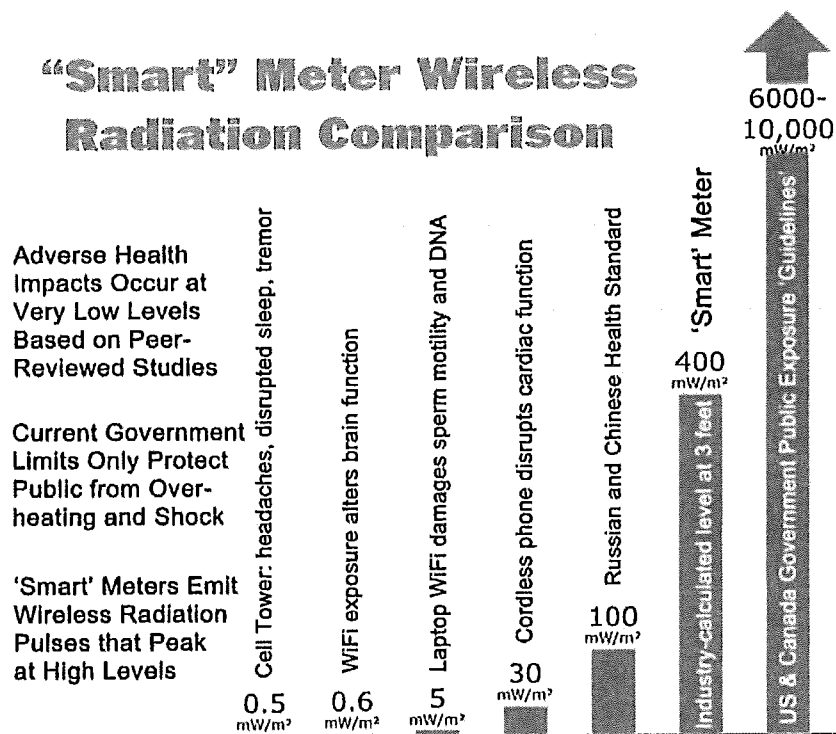
Irritability, Decreased cognitive function.

The article below is from a NASA technical report

(Raines (Jeremy K.), Bethesda, MD, United States)

The effects of nonionizing electromagnetic (EM) field interactions with the human body were reported and human related studies were collected. EM fields are linked to cancer in humans in three different ways: cause, means of detection, and effective treatment. Bad and benign effects are expected from EM fields and much more knowledge is necessary to properly categorize and qualify EM field characteristics. It is concluded that knowledge of the boundary between categories, largely dependent on field intensity, is vital to proper future use of EM radiation for any purpose and the protection of the individual from hazard.

“Smart” Meter Wireless Radiation Comparison



More detailed information at: SmartGridAwareness.Org

(b) studies show that microwaves and radiomagnetic radiation is bad for the human body. **It is also used as a weapon in the military.** The U.S. military uses microwave weapons that emit energy in the form of microwaves, electromagnetic radiation, radio waves. **Please see above for my health concerns.** I do not use any forms of microwaves in my home. I keep my cell phone in a metal garbage pail and far away from me until I absolutely need to use it, and then I use a speaker phone and keep it away from my head. Microwaves are a form of electromagnetic radiation with

wavelengths between 10–3 and 101 . They can cause water and fat molecules to

vibrate so they are used for cooking in microwave ovens. They are used by mobile phones (produced from a transmitter chip and antenna) as well. WiFi studies show that wifi may cause brain tumors... so why take a chance ???

(c) After looking at what the studies show, and what I have learned about EMF, WIFI and Microwaves I am concerned for my health and safety. Since the smart meter was installed on my home I have experienced these symptoms. **Headaches, Insomnia, Fatigue, Tinnitus, Heart arrhythmia, palpitations etc.**

(d) In this day and age Privacy is a concern. Any type of WIFI (smart meter) can be used to steal Information.

(e) I feel that PPL is violating the law by forcing people to have this smart meter put on thier homes against their will. I was told my power would be shut off if i didnt comply. I cant understand why these meters are so necessary?

I-2 I do not use microwaves, wirless routers, wifi networks, tablets, bluetooth speakers, wirless security systems, smart speakers, garage door openers, baby moniters or walkie talkies.

I-3 I have an AT&T cell phone Android 7.1. When I use it I keep it on speaker phone and keep it away from my head. when it's not in use I keep it shut off in a different part of the house in a metal can.

I-4 (a) tinnitus, headaches, insomnia, fatigue and unknown illnesses. Until studies prove more about harmful effects of smart meters. I don't know all the problems that they cause.

(b) On or around August 1, 2018, when the smart meter was installed I started hearing a high pitched sound, I started having more trouble sleeping, I was having more frequent headaches.

(c) I've been to the Dr. for these ailments and I'm being treated. The medical records you require I feel is a breach of Dr. patient confidentiality.

(d) I have medical records for tinnitus, headaches, trouble sleeping and severe anxiety due to the smart meter.

(e) I'm seeking therapy and I'm under Dr.'s care as of this moment. I'm still seeking treatment and will be doing a before the meter and after the meter comparison.

I-5 As of this time I have three or more doctors that I am seeing about this situation. I have had an MRI and a CAT scan and will be doing further scans to compare the findings.

I-6 If I need to I will be using the doctors that I'm working with.

I-7 I have a video that shows when the man was at my home installing the new meter, and I recorded the findings on video while I was using a device that detected the dramatic increase of EMF radiation and the harmful effects.

APPENDIX C

John Codella's Supplemental Answers to PPL Electric Utilities Corporation's Interrogatories and Requests for Production of Documents – Set I

AUG 22 2019

Inclosed are letters, Findings, responses, and qustions sent to Devin T Ryan.

My findings pages #1, #2, #3.

My qustions to PUC, Devin, PPL or whom it may concern. #1a, #1b, #2, #3, #4, #5, #6, #7.

Letter from Martha Turnberg MD.

Response to further questions from Devin T Ryan.

My Findings #1

The government requires that smart meters are offered by energy suppliers to all small businesses and homes, but smart meters are not a legal requirement, therefore it's not compulsory to have a smart meter installed. However, having a smart meter at your premises is likely to become the norm in years to come. **I was told its mandatory ?**

What are the side effects of smart meters? "this is a google search"

Smart Meter Health Effects

Headaches, Insomnia, Fatigue.

Tinnitus, Heart arrhythmia/palpitations, Decreased immune function, Irritability.

Decreased cognitive function.

If you let the supplier know that you don't want a smart meter, it should be able to install one with all the smart functionality turned off. ... EDF said customers rarely requested the removal of a smart meter but if they did the company would comply. **I was lied too... They did not tell me i had an option...**

SMART METERS AND THE WIRELESS SYSTEM. Inside your home, smart meters use their own secure, wireless network using radio waves/ WiFi

Even at lower frequencies, very high levels of electromagnetic radiation exposure can hurt you. **This is based on the finding of a possible link in a study between cell phone use and a specific type of brain tumor. Because RF radiation is a possible carcinogen, and smart meters give off RF radiation, it is possible that smart meters could increase cancer risk.**

What are the health risks of smart meters?

Military studies here and here show pulsed radiation can cause serious health problems, including tinnitus, memory loss and seizures. Thousands of studies link biological effects to RF radiation exposure, including increased cancer risk, damage to the nervous system, adverse reproductive effects, DNA damage, and more.

My Findings #2

Re: John Codella vs. PPL Electric Utilities
Docket No. C-2019-3010437

I-1

(a) Electromagnetic fields can be harmful to your health. Not only do smart meters give off harmful microwaves they also produce more electro magnetic radiation than the old style meter. Here are some of the side effects:

Headaches, Insomnia, Fatigue, Tinnitus

Heart arrhythmia, palpitations

Decreased immune function

Irritability, Decreased cognitive function.

The article below is from a NASA technical report

(Raines (Jeremy K.), Bethesda, MD, United States)

The effects of nonionizing electromagnetic (EM) field interactions with the human body were reported and human related studies were collected. EM fields are linked to cancer in humans in three different ways: cause, means of detection, and effective treatment. Bad and benign effects are expected from EM fields and much more knowledge is necessary to properly categorize and qualify EM field characteristics. It is concluded that knowledge of the boundary between categories, largely dependent on field intensity, is vital to proper future use of EM radiation for any purpose and the protection of the individual from hazard.

My Findings #3

(d) In this day and age Privacy is a concern. Any type of WIFI (smart meter) can be used to steal Information.

(e) I feel that PPL is violating the law by forcing people to have this smart meter put on thier homes against their will. I was told my power would be shut off if i didnt comply. I cant understand why these meters are so necessary?

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To: Devin T Ryan From: John codella

As Per our conversation on 8/19/2019

you had asked me for some more information

to numbers 3,4,5,6,and 7 I added #8

#3 phone records: I feel this is my private information and has nothing to do with the harmful smart meter.

#4 Medical records: this is patient doctor confidentiality. But I did enclose a letter from one of my doctors about my concerns with the new smart meter.

#5 fact witness: I am waiting to see if I need to do an appeal first

#6 I am waiting to see if I need to do an appeal first

#7 Enclosed is a USB video copy of the increased EMF redings detected with a emf detector.

#8 Enclosed is a copy of a letter from one of my Doctor's that understands my concerns and health risks about the new smart meters



05/21/2019

John Codella
DOB: 12/20/1966

To whom it may concern,

John is a patient and Merakey outpatient clinic. He has severe anxiety. He has indicated that the electric company has put new electronic smart meters on his home, and his anxiety level has escalated dramatically. He is requesting those meters be removed as soon as possible and the old meters be restored. He definitely is responding to his belief that the meters are dangerous. Anything you can do to help him would be appreciated. Thank you.

Martha A. Turnberg
Martha Turnberg MD