

Tori L. Giesler, Esq.  
(610) 921-6658  
(330) 315-9263 (Fax)

September 10, 2019

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

**Re: Linda Biconik v. Pennsylvania Electric Company**  
**Docket No. C-2017-2632380**

Dear Secretary Chiavetta:

Enclosed please find the Motion to Compel of Pennsylvania Electric Company with regard to the above-captioned matter. This document has been served on the Complainant as shown in the Certificate of Service.

Please contact me if you have any questions regarding this matter.

Very truly yours,



Tori L. Giesler

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Enclosures

c: As Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>LINDA BICONIK</b>	:	
	:	
v.	:	<b>Docket No. C-2017-2632380</b>
	:	
<b>PENNSYLVANIA ELECTRIC COMPANY</b>	:	

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**NOTICE TO PLEAD**

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TO: Linda Biconik

Pursuant to 52 Pa. Code § 5.102(b), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion to Compel of Pennsylvania Electric Company within **five (5) days** from the service of the Notice, the facts set forth by Pennsylvania Electric Company in the Motion may be deemed to be true, thereby requirement no other proof. All pleading, such as a Reply to Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy service to counsel for Pennsylvania Electric Company, and where applicable, the Administrative Law Judge presiding over the case.

File with:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

With a copy to:

Administrative Law Judge Jeffrey A. Watson  
Pennsylvania Public Utility Commission  
Piatt Place, Suite 220  
301 5<sup>th</sup> Avenue  
Pittsburgh, PA 15222

Lauren M. Lepkoski  
Tori L. Giesler  
FirstEnergy Service Company  
2800 Pottsville Pike  
P.O. Box 16001  
Reading, Pennsylvania 19612-6001

Date: September 10, 2019



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Tori L. Giesler, Esquire  
Lauren M. Lepkoski, Esquire

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**LINDA BICONIK**

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v.

**Docket No. C-2017-2632380**

**PENNSYLVANIA ELECTRIC COMPANY**

**MOTION OF PENNSYLVANIA ELECTRIC COMPANY TO COMPEL RESPONSES  
TO INTERROGATORIES AND DOCUMENT REQUESTS**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pennsylvania Electric Company (“Company”) by and through its attorneys, Lauren M. Lepkoski and Tori L. Giesler, and pursuant to 52 Pa. Code §§ 5.371-5.372, hereby files this Motion to compel Linda Biconik (“Complainant”) to provide full and complete responses to interrogatories and document requests issued by the Company on February 8, 2019. In support thereof, the Company avers as follows:

**I. BACKGROUND**

1. The Complainant filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission”) regarding 73 Cherry Lane, Homer City, Pennsylvania 15748 (“Service Location”) which was electronically served on the Company on November 6, 2017.

2. On November 27, 2017, the Company filed its Answer and New Matter denying the material allegations. On the same day, the Company also filed Preliminary Objections to the Formal Complaint.

3. On December 7, 2017, the Complainant filed a Reply to the Company's Preliminary Objection and New Matter.

4. On January 12, 2018, a Motion Judge Assignment Notice was issued where the parties were informed that Administrative Law Judge ("ALJ") Jeffrey A. Watson was assigned to rule on the Company's Preliminary Objections.

5. On November 15, 2018, ALJ Watson issued an Interim Order which denied the Company's Preliminary Objections and referred the matter to mediation.

6. On February 8, 2019, in accordance with 52 Pa. Code § 5.341, the Company forwarded to the Complainant interrogatories and document requests ("Discovery Requests") via first class mail. In its Discovery Requests, the Company sought information and documents related to the Complainant's allegations regarding the Company's smart meters. A full copy of the Company's Discovery Requests is attached as Exhibit A.

7. On March 4, 2019, the Complainant's daughter contacted counsel for the Company seeking an extension of time to respond to the Discovery Requests. The Company agreed to provide an extension until March 15, 2019 for objections and March 29, 2019 for responses.

8. The Complainant did not file any objection to the Discovery Requests.

9. On March 27, 2019, the Complainant provided to the Company incomplete responses to the Discovery Requests and a draft stipulated protective agreement. The Complainant stated as a response to multiple questions that "[r]espondent will be given access to hearing records of affected members of the household upon proper execution of the enclosed stipulated protective agreement." The draft stipulated protective agreement provided by the Complainant was not appropriate for the formal complaint proceeding before the Commission.

10. On July 23, 2019, an Interim Order Establishing Initial Litigation Schedule was issued which set forth the schedule for discovery, the identification of witnesses, and filing of motions in this proceeding. Relevant to this Motion, ALJ Watson issued a discovery deadline of November 15, 2019.

11. On July 30, 2019, counsel for the Company drafted and executed a Stipulated Protective Agreement and provided an extension to the Complainant to provide complete responses to the Discovery Requests by August 30, 2019. A full copy of the Stipulated Protective Agreement executed by the Company is attached as Exhibit B.

12. On August 28, 2019, the Complainant provided only an executed Acknowledgment of Stipulated Protective Agreement to Counsel for the Company but failed to provide a signed Stipulated Protective Agreement. Additionally, the Complainant failed to provide any further responses to the Discovery Requests by the extended due date of August 30, 2019.

13. By letter dated August 30, 2019, the Complainant issued Complainant's Set I Discovery Requests to the Company.

## **II. MOTION TO COMPEL**

14. The Commission's regulations permit the discovery of "any matter, not privileged, which is relevant to the subject matter involved in the pending action." 52 Pa. Code § 5.321(c).

15. Generally speaking, this Commission applies a standard of relevance which is less restrictive than that required by parties to present information into the evidentiary record. It is not grounds for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c).

16. Discovery may be obtained regarding any matter relevant to the subject matter. Relevant evidence is evidence that tends to make an act at issue more or less probable. Moreover, evidence is relevant if it advances the inquiry in some degree and, thus, has probative value. Although the law does not furnish an absolute test of relevancy, the Pennsylvania Supreme Court follows a two-part analysis for determining relevance. In *Commonwealth v. Stewart*, 461 Pa. 274, 336 A.2d 282 (1975), the Court held that “[i]t must be determined first if the inference sought to be raised by the evidence bears upon a matter at issue in this case and, second, whether the evidence renders the desired inference more probable than it would be without the evidence. *Id.* at 284.

17. The information sought here by the Company is relatively simple and straightforward. It is directly relevant and material to the issues raised by the Complainant in her Formal Complaint. The Company is entitled to the requested information to enable it to fully investigate what information the Complainant relied on to make the specific and detailed allegations she did in her Formal Complaint. If the Complainant needed more time to answer the Company’s Discovery Requests, she could have contacted the Company to request an additional extension.

18. The Commission’s Regulations at 52 Pa. Code § 5.371 address the consequences of a participant’s failure to comply with the Commission’s discovery regulations. Section 5.371 provides that:

- (a) The Commission or the presiding officer may, on motion, make an appropriate order if one of the following occurs:
  - (1) A party fails to appear, answer, file sufficient answers, file objections, make a designation or otherwise respond to discovery requests, as required under this subchapter.

19. Further, 52 Pa. Code § 5.372 provides that the presiding officer may impose appropriate sanctions upon a party found to be found in violation of the obligations set forth in the Commission's Regulations.

20. As a result of the Complainant's failure to provide complete responses to the Company's Discovery Requests, which demonstrates her lack of cooperation and willingness to participate in this proceeding as required under the Commission's regulations, the Formal Complaint in this proceeding should be dismissed in its entirety.

21. The Company requests that the Complainant be directed to provide full and complete responses to the Discovery Requests to be received by the undersigned counsel for the Company within five business days after entry of an Order Granting the Motion to Compel.

22. In the event the Complainant is directed by the Commission to respond to the Company's Discovery Requests, but fails to, the Company respectfully requests that the Complaint against the Company be dismissed in its entirety.

WHEREFORE, Pennsylvania Electric Company respectfully requests that the Commission issue an Order compelling the Complainant to fully and completely respond to the Discovery Requests such that the responses are received by counsel for the Company no later than five business days after entry of an Order on the Motion to Compel. Further, in the event the

Complainant does not comply with the Order directed by the Commission, and fails to respond to the Company's Discovery Requests, the Company respectfully requests that the Commission dismiss in its entirety the Complaint of Linda Biconik.

Respectfully submitted,

Dated: September 10, 2019



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Lauren M. Lepkoski  
Attorney No. 94800  
Tori L. Giesler  
Attorney No. 207742  
FirstEnergy Service Company  
2800 Pottsville Pike  
P.O. Box 16001  
Reading, Pennsylvania 19612-6001  
(610) 921-6203  
(610) 921-6658  
llepkoski@firstenergycorp.com  
tgiesler@firstenergycorp.com

Counsel for Pennsylvania Electric Company



2800 Pottsville Pike  
PO Box 16001  
Reading, PA 19612-6001

Tori L. Giesler, Esq.  
(610) 921-6658  
(330) 315-9263 (Fax)

February 8, 2019

**VIA FIRST CLASS MAIL**

Linda Biconik  
73 Cherry Lane  
Homer City, PA 15748

**Re: Linda Biconik v. Pennsylvania Electric Company**  
**Docket No. C-2017-2632380**

Dear Ms. Biconik:

Enclosed please find the Interrogatories and Requests for Production of Documents (Set I) to Linda Biconik. Pursuant to 52 Pa. Code §§ 5.341 and 5.349, *et seq.*, your answers are due within twenty days of service of this letter (February 28, 2019). In addition, any objections are due within ten days of service of this letter (February 18, 2019). This document has been served as indicated within the Certificate of Service.

Very truly yours,

Tori L. Giesler

Enclosures

- c: As Per Certificate of Service  
The Honorable Jeffrey A. Watson, Public Utility Commission (Cover Letter and Certificate)  
Rosemary Chiavetta, Esq., Public Utility Commission (Cover Letter and Certificate)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**LINDA BICONIK** :  
 :  
 v. : **Docket No. C-2017-2632380**  
 :  
**PENNSYLVANIA ELECTRIC COMPANY** :

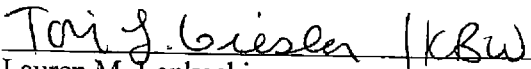
**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the Interrogatories and Requests for Production of Documents of Pennsylvania Electric Company to Linda Biconik upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by First Class Mail, postage prepaid, as follows:

Linda Biconik  
73 Cherry Lane  
Homer City, PA 15748

Dated: February 8, 2019

  
Lauren M. Lepkoski  
Tori L. Giesler  
FirstEnergy Service Company  
2800 Pottsville Pike  
P.O. Box 16001  
Reading, Pennsylvania 19612-6001  
(610) 921-6203  
(610) 921-6658  
llepkoski@firstenergycorp.com  
tgiesler@firstenergycorp.com

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**LINDA BICONIK**

**v.**

**PENNSYLVANIA ELECTRIC COMPANY**

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**Docket No. C-2017-2632380**

**INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS OF  
PENNSYLVANIA ELECTRIC COMPANY TO LINDA BICONIK, SET I**

Pennsylvania Electric Company hereby propounds these Interrogatories and Requests for Production of Documents (Set I) to Linda Biconik (the “Complainant”). Telephone or other contact concerning availability and timing of formal responses is encouraged. The answer to each interrogatory should be started on a new page. The answers should restate the question asked and indicate the person(s) supplying the information.

Pursuant to 52 Pa. Code § 5.342, you must send your answers to me within 20 days (February 28, 2019) and objections within 10 days (February 18, 2019). Your answers and objections should not be filed with the Pennsylvania Public Utility Commission. You should only file the cover letter and certificate of service, with the Commission’s Secretary Rosemary Chiavetta and send a copy to Administrative Law Judge Jeffrey A. Watson. If you have any objection to any of the interrogatories or the request for documents, please identify the interrogatory or request and state your objection in full as to why you should not have to answer/produce it. Any objection not raised within the 10-day period provided for by 52 Pa. Code § 5.342(c) will be deemed waived and you will not be permitted to raise the objection at a later time.

Dated: February 8, 2019

**INSTRUCTIONS**

- A. In answering these Interrogatories and Requests for Production of Documents, please furnish all information available to you, including any such information possessed by others that you can obtain, and not merely such information known of your own personal knowledge. If you cannot answer the Interrogatories and Requests in full after exercising due diligence to secure the information to do so, so state and answer to the extent possible.
- B. Other than for the reasons identified herein, you must provide an answer to all Interrogatories and Requests for Production of Documents. If the answer to the question is “none” or “unknown,” such statement must be written in the answer. If you consider the question to be inapplicable, “N/A” must be written in the answer. If an answer is omitted because of a claim of privilege, the basis of privilege is to be stated.
- C. If the answer to any of the Interrogatories and Requests for Production of Documents is that you lack knowledge of some or all of the requested information, describe all efforts made by you to obtain the information necessary to answer that Interrogatory or Request.
- D. These Interrogatories and Requests for Production of Documents are to be deemed continuing in nature, and you shall promptly supply, by way of supplemental response, any additional responsive information that may become known to you or anyone acting on your behalf after your answers have been prepared or served.
- E. As used herein, the terms “Complainant” and “you” refer to Linda Biconik and her attorneys, agents, or representatives.
- F. As used herein, the terms “Company” or “Respondent” refer to Pennsylvania Electric Company, and any agent, agency, or affiliate thereof.

G. As used herein, the term “proceeding” refers to the instant complaint proceeding at the Pennsylvania Public Utility Commission at Docket No. C-2017-2632380.

H. As used herein, the terms “service location,” “property,” or “home” refer to your service address of 73 Cherry Lane, Homer City, PA 15748.

I. As used herein, the term “household” refers to you and all other individuals who reside at the service location.

J. As used herein, the terms “document” or “documentation” includes any written, printed, typed, recorded, or graphic matter, whether produced or reproduced or stored on paper, cards, tapes, film, electronic facsimile, computer storage devices or any other devices or media, including, but not limited to papers; books; letters; photographs; objects; tangible things; correspondence; e-mails; websites; webpages; telegrams; cables; telex messages; memoranda; medical records; notes; notations; records; work papers; transcripts; minutes; reports and recordings of telephone or other conversations, or of interviews, or of conferences, or of other meetings; affidavits; statements; opinions; proposals; reports; surveys; plans; studies; analyses; audits; evaluations; contracts; agreements; journals; statistical records; invoices; receipts; desk calendars; appointment books; diaries; lists; tabulations; summaries; sound recordings; computer printouts; data processing input and output; microfilms; all records kept by electronic, photographic, or mechanical means; and things similar to any of the foregoing, however denominated. When one or more of the foregoing documents is requested or referred to, the request or reference shall include, but is not limited to, the original and each and every copy and draft thereof having writings, notations, corrections, or markings unique to such copy or draft.

K. As used herein, all other words are to be given their ordinary and usual meanings, according to a current edition of Webster’s Dictionary.

**INTERROGATORIES OF PENNSYLVANIA ELECTRIC COMPANY TO LINDA  
BICONIK, SET I**

1. Are you claiming that the installation of a smart meter at your property would cause or contribute to an adverse health condition for any member of your household?
2. If the answer to question 1 is yes, please provide the following information for each household member whose health you claim will be affected:
  - a. Name;
  - b. Age;
  - c. The specific health condition that you believe would be caused by or contributed to as a result of the smart meter being installed;
  - d. Whether the household member is already experiencing the specific health condition and, if so, the date on which the condition was first experienced and the date on which the condition was first diagnosed by a medical doctor;
  - e. Whether the household member has experienced the specific health condition within the last four years;
  - f. Any medication prescribed to the household member; and
  - g. Whether the household member has visited a medical professional for the specific health condition, and if so, the name, address, and phone number of the medical professional and the date of the visit(s) to the medical professional.



- a. Please identify each document you rely on in support of the position.
  - b. Do you intend to rely on these documents at the time of the hearing in this proceeding?
  - c. Please describe in detail all information you have to support this position.
  - d. Do you have any relevant educational or work background that qualifies you to assert this position?
  - e. If yes, please identify the relevant educational or work background that qualifies you to assert this position.
8. Are there any cordless phones used in your home?
- a. For each cordless phone in your home, please provide the name of the phone manufacturer and the model.
9. Do you use a cellular phone?
- a. If yes, please provide the names of the cell phone manufacturer and model (for example, Apple i-Phone 7S).
  - b. Does anyone else in your home use a cellular phone?
  - c. How many cellular phones are in use at your home?
  - d. For each cellular phone used by a member of your household, please provide the name of the cell phone manufacturer and the phone model.

10. Is there satellite television at your home?
  - a. If yes, please provide the name of the satellite television provider (for example, Direct TV).
  - b. If yes, where is your satellite disk located?
11. Is there a laptop computer at the service location?
  - a. If yes, where is it located?
12. Do you have a wifi network in your home?
  - a. If so, where is your wifi router located?
13. In your complaint, you request that the PUC mandate “compliance by the utility company to retract the insistence of installing a smart meter on our property/premise.” Please provide the following information related to this statement:
  - a. Is it your position that a customer has the right to request a smart meter not be installed at her service location?
  - b. Is it your position that a customer must request smart meter installation?
  - c. Is it your position that Act 129 of 2008 does not require the utility to install smart meters throughout its service territory?
14. Is it your position that you would like to opt out completely from smart meter installation?

15. Do you believe the installation of a smart meter at your property would violate the privacy or security of a member of your household?
16. If the answer to question 15 is yes, please specifically describe each of your concerns regarding your household's privacy or security after the installation of a smart meter.
17. If the answer to question 5 is yes, please provide the following information regarding your position that the installation of a smart meter would violate your household's privacy or security:
  - a. Please identify each document you rely on in support of the position.
  - b. Do you intend to rely on these documents at the time of the hearing in this proceeding?
  - c. Please describe in detail all information you have to support this position.
  - d. Do you have any relevant educational or work background that qualifies you to assert this position?
  - e. If yes, please identify the relevant educational or work background that qualifies you to assert this position.
18. To your knowledge, has a smart meter been installed by the Company at your property?
19. Please describe in detail how you believe a smart meter operates.

20. In your complaint, you state that “Smart” meters violate already high FCC limits on human exposure to microwave radiation.” Please provide the following information related to this statement:
  - a. What documents do you rely on in support of this statement?
  - b. Do you intend to rely on these documents at the time of the hearing in this proceeding?
  - c. Please describe in detail the information you have to support this statement.
21. Please list the specific issues you intend to raise at the hearing in this proceeding.
22. Please identify the legal support, including specific citations, for each issue identified in question 21.
23. Please list the factual support for each issue identified in question 21.
24. Please provide the following information for all witnesses you intend to call to testify at the hearing in this proceeding.
  - a. Provide the full name of the witness.
  - b. Provide the address and telephone number of the witness.
  - c. Provide the title or position held by the witness.
  - d. Provide the educational background of the witness.
  - e. Provide the employment background of the witness.

- f. Provide the scope of the testimony for the witness.
25. Would any witness identified in question 24 be offered as an expert?
- a. If yes, provide the curriculum vitae of the witness and a summary of the testimony the expert witness is expected to provide.
26. Please describe in detail your educational background.
- a. Please list any relevant certificates, trainings, or degrees that you obtained.
  - b. Please provide a description of the certificate, training, or degree.
  - c. Please provide the date that any certificate, training, or degree was obtained.
  - d. Please provide the name and address of the institution which provided the certificate, training, or degree.
27. Please describe in detail your employment history.
- a. Please provide your employer name and address.
  - b. Please provide the title of your position.
  - c. Please provide the dates of your employment.
  - d. Please provide the duties performed in your position.

**REQUESTS FOR PRODUCTION OF DOCUMENTS OF PENNSYLVANIA ELECTRIC  
COMPANY TO LINDA BICONIK, SET I**

28. Please provide copies of all documentation supporting your position that the installation of a smart meter at your home would cause or contribute to an adverse health condition in any member of your household.
29. Please provide copies of all documentation associated with visits by members of your household to a medical professional related to the health conditions identified in question 2, including but not limited to any and all medical records, medical visit reports, and notes and letters from medical doctors or other health care professionals.
30. Please provide copies of all documentation you intend to refer to at the hearing in this proceeding related to smart meters and/or radio frequency fields and health.
31. If the answer to question 5 is yes, please provide copies of all documentation supporting your position that smart meters would create safety issues for you or members of your household.
32. Please provide copies of all documentation you intend to refer to at the hearing in this proceeding related to the safety concerns of smart meters.
33. For each cellular telephone used by a member of your household, please provide a complete copy of the bills you received from your cellular telephone provider for the past 12 months.

34. If the answer to question 15 is yes, please provide copies of all documentation supporting your position that smart meters would violate the privacy or security of your household.

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35. Please provide copies of all documentation you intend to refer to at the hearing in this proceeding supporting the position that smart meters would violate the privacy or security of your household.
36. Please provide copies of all documentation supporting your position that your household may opt out of smart meter installation.
37. Please provide copies of all documentation you intend to refer to at the hearing in this proceeding supporting the position that a household may opt out of smart meter installation.
38. Please provide a copy of all proposed exhibits you intend to submit for the hearing in this proceeding.
39. Please provide copies of all documentation you are relying upon in support of your positions in this proceeding.



2800 Pottsville Pike  
PO Box 16001  
Reading, PA 19612-6001

Tori L. Giesler, Esq.  
(610) 921-6658  
(330) 315-9263 (Fax)

July 30, 2019

**VIA FIRST CLASS MAIL**

Linda Biconik  
73 Cherry Lane  
Homer City, PA 15748

**Re: Linda Biconik v. Pennsylvania Electric Company**  
**Docket No. C-2017-2632380**

Dear Ms. Biconik:

I am in receipt of your Answer to Interrogatories and Requests for Production of Documents (Set 1) which contained a request for Pennsylvania Electric Company ("Penelec") to sign a stipulated protective agreement.

Penelec is willing to sign a stipulated protective agreement and has enclosed two copies of a proposed signed agreement. Please sign where indicated and return one copy to me in the self-addressed, stamped envelope provided while keeping the other copy for your records. Please return the signed Stipulated Protective Agreement along with your confidential responses by August 30, 2019.

Should you have any questions or concerns, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink that reads "Tori L. Giesler". The signature is written in a cursive, flowing style.

Tori L. Giesler

Enclosures

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**LINDA BICONIK** :  
 :  
 v. : **Docket No. C-2017-2632380**  
 :  
**PENNSYLVANIA ELECTRIC COMPANY** :

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**STIPULATED PROTECTIVE AGREEMENT**

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This Agreement is between and among Linda Biconik (“Biconik”); Pennsylvania Electric Company (“Penelec”), by and through Penelec’s attorneys Lauren M. Lepkoski, Esquire, Tori L. Giesler, Esquire; and Penelec’s expert(s) and any and all other experts whom Penelec may hire or whom Med-Ed may consult within regards to the above-captioned proceeding (“Proceeding”). This Agreement establishes procedures for the protection of certain confidential information involved in the Proceeding.

Intending to be legally bound, the parties hereby agree as follows:

1. That the information subject to this Stipulated Protective Agreement is all correspondence, documents, data, personal health information, studies, and other materials to be furnished by Biconik’s medical providers pursuant to Penelec’s interrogatories to Biconik as to their health conditions, and which Biconik’s medical providers may provide to Penelec pursuant to a release signed by Biconik. Such materials will be referred to below as “Confidential Information.” When a statement or exhibit is identified for the record, the portions thereof that constitute Confidential Information shall be so designated for the record.

2. All Confidential Information shall only be made available to Penelec subject to the terms of this Stipulated Protective Agreement. Counsel for Penelec shall use or

disclose the Confidential Information only for purposes of preparing or presenting evidence, cross examination or argument in the Proceeding. Penelec may afford access to Confidential Information made available by Biconik's experts and health care providers (1) only to Penelec's experts, and (2) only subject to the terms of this Stipulated Protective Agreement.

3. Before Penelec discloses any Confidential Information to anyone, (1) Penelec shall secure written assurance from each of such potential person to whom disclosure may be made that he or she will maintain the confidentiality of the Confidential Information and not disclose the Confidential Information further except in preparation for the above mentioned Proceeding; (2) Penelec shall provide Biconik with a list of Penelec experts to whom Penelec intends to disclose the Confidential Information; and (3) signatures of such experts, that they agree to the terms of this Agreement, shall be furnished to Biconik before Penelec discloses any Confidential Information to any Penelec expert.

4. Penelec shall use its best efforts to safeguard the Confidential Information and not disclose any Confidential Information except as provided herein. Penelec agrees to give Biconik written notice within five days of Penelec's discovery of any unintentional disclosure of the Confidential Information and Penelec shall cooperate with Biconik to rectify to the extent possible, any damage to Biconik for unintentional disclosure of Confidential Information.

5. Biconik retains the right to challenge the adequacy of Penelec's written assurances that Confidential Information will not be jeopardized. No other persons may have access to the Confidential Information except as authorized by order of the Commission or of the presiding Administrative Law Judge.

6. Prior to making Confidential Information available to an expert, Penelec shall deliver a copy of this Stipulated Protective Agreement to such expert and shall receive a

written acknowledgment from the expert in the form attached as Appendix A to this Stipulated Protective Agreement or similar acknowledgment consistent with the terms of this Stipulated Protective Agreement. Biconik shall be notified promptly of the identity of all persons provided access to Confidential Information pursuant to this paragraph and paragraph 3 above and shall be provided with a copy of each acknowledgment signed by each expert.

7. Penelec acknowledges that all health information it receives from Biconik's healthcare providers pursuant to Penelec's interrogatory requests is Confidential Information and Penelec shall immediately stamp each page of such documents "Confidential" and shall keep all Confidential Information segregated from its general litigation files in a secure location.

8. Penelec will consider and treat the Confidential Information as within the exemptions from disclosure provided in the Pennsylvania Right-to-Know Act as set forth at 65 P.S. § 67.708(b). To the extent Confidential Information is provided electronically or by mail, or other electronic means, Penelec and its experts will send such information encrypted, and will use such electronic files only for this Proceeding, will not copy the files onto any hard drive and will not make any additional copies.

9. Any public reference to Confidential Information by Penelec or its experts shall be to the title or exhibit reference in sufficient detail to permit persons with access to the Confidential Information to understand fully the reference, but not more. The Confidential Information shall remain a part of the record, to the extent admitted, for all purposes of administrative or judicial review but shall remain in a segregated location and shall be prominently marked "CONFIDENTIAL."

10. That part of any record of this Proceeding containing Confidential Information, including but not limited to all exhibits, writings, direct testimony, cross examination,

argument, and responses to discovery, and including reference thereto as mentioned in paragraph 6 above, shall be sealed for all purposes, including administrative and judicial review, unless such Confidential Information is released from the restrictions of this Stipulated Protective Agreement, either through the agreement of the parties to this Stipulated Protective Agreement or pursuant to an order of an Administrative Law Judge or the Commission.

11. Biconik shall retain the right to question or challenge the admissibility of Confidential Information; to refuse to produce or object to the production of Confidential Information on any proper ground; and to seek additional measures of protection of Confidential Information beyond those provided in this Stipulated Protective Agreement.

12. That within thirty (30) days after a Commission decision is entered in the Proceedings, or in the event of appeals, within thirty (30) days after appeals are finally decided, Penelec and Penelec's experts, upon request, shall either destroy or return to Biconik all copies of all documents and other materials not entered into the record, including notes, electronic or e-mailed files, which contain any Confidential Information. In the event that Penelec elects to destroy all copies of documents and other materials containing Confidential Information instead of returning the copies of documents and other materials containing Confidential information to Biconik, Penelec shall immediately certify in writing to Biconik that all the Confidential Information has been destroyed.

Agreed:

\_\_\_\_\_  
Linda Biconik

\_\_\_\_\_  
Date

**PENNSYLVANIA ELECTRIC COMPANY**

Lauren M. Lepkoski  
Lauren M. Lepkoski, Esquire

7/30/19  
Date

**PENNSYLVANIA ELECTRIC COMPANY**

Tori L. Giesler  
Tori L. Giesler, Esquire

07/30/2019  
Date

APPENDIX A

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

LINDA BICONIK :  
v. : Docket No. C-2017-2632380  
PENNSYLVANIA ELECTRIC COMPANY :

---

ACKNOWLEDGMENT OF  
STIPULATED PROTECTIVE AGREEMENT

---

TO WHOM IT MAY CONCERN:

The undersigned is Lawyer for Metropolitan Edison Company, in the Proceeding as defined in the Stipulated Protective Agreement. The undersigned has read and understands the Stipulated Protective Agreement agreed to in the Proceeding, which Stipulated Protective Agreement deals with the treatment of Confidential Information. The undersigned agrees to be bound by, and comply with, the terms and conditions of said Stipulated Protective Agreement.

Jori D. Bish  
NAME

2800 Pottsville Pike

Reading, PA 19605  
ADDRESS

FirstEnergy Service Company  
EMPLOYER

DATE: 07/30/2019

APPENDIX A

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

LINDA BICONIK :  
 :  
 v. : Docket No. C-2017-2632380  
 :  
 PENNSYLVANIA ELECTRIC COMPANY :

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James M. Supkowski  
NAME

2800 Pottsville Pike

Reading, PA 19605  
ADDRESS

FirstEnergy Service Company  
EMPLOYER

DATE: 7/30/19

APPENDIX A

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

LINDA BICONIK :  
 :  
 v. : Docket No. C-2017-2632380  
 :  
 PENNSYLVANIA ELECTRIC COMPANY :

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ACKNOWLEDGMENT OF  
STIPULATED PROTECTIVE AGREEMENT

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\_\_\_\_\_  
NAME

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
EMPLOYER

DATE: \_\_\_\_\_

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>LINDA BICONIK</b>	:	
	:	
v.	:	<b>Docket No. C-2017-2632380</b>
	:	
<b>PENNSYLVANIA ELECTRIC COMPANY</b>	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the Motion to Compel of Pennsylvania Electric Company upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by electronic and First Class Mail, postage prepaid, as follows:

Linda Biconik  
73 Cherry Lane  
Homer City, PA 15748  
[rubywildcrow@gmail.com](mailto:rubywildcrow@gmail.com)

Administrative Law Judge Jeffrey A. Watson  
Pennsylvania Public Utility Commission  
Piatt Place, Suite 220  
301 5<sup>th</sup> Avenue  
Pittsburgh, PA 15222  
[jeffwatson@pa.gov](mailto:jeffwatson@pa.gov)

Dated: September 10, 2019



Lauren M. Lepkoski  
Tori L. Giesler  
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(610) 921-6203  
(610) 921-6658  
[llepkoski@firstenergycorp.com](mailto:llepkoski@firstenergycorp.com)  
[tgiesler@firstenergycorp.com](mailto:tgiesler@firstenergycorp.com)

Counsel for Pennsylvania Electric Company