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September 3, 2019

VIA HAND DELIVERY

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

RECEIVED

SEP - 3 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Jeffrey Ulmer v. PPL Electric Utilities Corporation
Docket No. C-2018-3003824

Dear Secretary Chiavetta:

Enclosed for filing is PPL Electric Utilities Corporation's ("PPL Electric") Motion to Compel in the above-referenced proceeding.

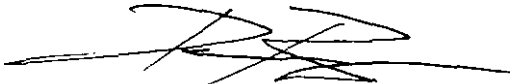
PPL Electric is filing both CONFIDENTIAL and NON-CONFIDENTIAL versions of the Motion. As explained in the Motion, Mr. Ulmer has requested that the cell phone records attached to the Motion as Appendix C not be publicly disclosed. Although PPL Electric reserves the right to dispute that such information actually is confidential, PPL Electric is treating those records as confidential out of an abundance of caution.

Accordingly, the CONFIDENTIAL version of the Motion, which contains and includes specific reference to Appendix C, is being provided in a sealed envelope stamped CONFIDENTIAL. PPL Electric respectfully requests that the CONFIDENTIAL version of the Motion be placed in a non-public folder.

Copies will be provided as indicated on the Certificate of Service.

Rosemary Chiavetta, Secretary
September 3, 2019
Page 2

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Devin Ryan", with a horizontal line drawn through it.

Devin Ryan

DTR/dmc
Enclosures

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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jeffrey Ulmer,

Complainant,

v.

PPL Electric Utilities Corporation,

Respondent.

:
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Docket No. C-2018-3003824

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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**

Jeffrey Ulmer,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2018-3003824
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

RECEIVED

SEP - 3 2019
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

NON-CONFIDENTIAL VERSION

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

I. INTRODUCTION

1. On January 9, 2019, PPL Electric served Interrogatories and Requests for Production of Documents on the Complainant – Set I (“PPL to Complainant Set I”) via email and regular 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 January 21, 2019, and responses were due on or before January 29, 2019.

3. The Complainant never served any objections to PPL to Complainant Set I by January 21, 2019.

4. On January 28, 2019, the Complainant evidently filed his responses to PPL to Complainant Set I with the Commission. However, the responses were not publicly posted to the docket, and the Company has no record of being served with those responses.

5. On August 16, 2019, counsel for PPL Electric sent the Complainant a detailed email about, among other things, the status of his overdue discovery responses.

6. On August 20, 2019, the Complainant emailed a copy of his responses to PPL to Complainant Set I, which he apparently filed with the Commission on January 28, 2019. A true and correct copy of the Complainant's responses PPL to Complainant Set I, without the Complainant's cell phone bills, is attached hereto and marked as **Appendix B**. The Complainant's cell phone bills provided in these responses is attached as **CONFIDENTIAL Appendix C**.¹

7. Upon review of those responses, the Complainant has provided deficient and incomplete responses to PPL to Complainant Set I, Questions 1, 3, 4, 5, 6, and 7.

8. To date, the Complainant has never sent complete responses to PPL to Complainant Set I, Questions 1, 3, 4, 5, 6, and 7.

II. MOTION TO COMPEL

9. PPL Electric requests that Administrative Law Judge Elizabeth H. Barnes ("ALJ") compel responses to PPL to Complainant Set I, Questions 1, 3, 4, 5, 6, and 7.

¹ PPL Electric disputes that the information contained in these cell phone bills is confidential, given that the Complainant has redacted his account number and other information from the bills. However, out of an abundance of caution, PPL Electric is treating the cell phone bills as confidential. Therefore, as explained on the filing letter, the Company is filing both CONFIDENTIAL and NON-CONFIDENTIAL versions of the Motion to Compel.

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 1, 3, 4, 5, 6, and 7 and produce the documents sought by these requests.

15. For the reasons stated in more detail below, the ALJ should direct the Complainant to answer fully PPL to Complainant Set I, Questions 1, 3, 4, 5, 6, and 7. Moreover,

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.

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, 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

16. 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.

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

- (a) I am in the process of amending my Complaint. Details will be provided in my amended complaint.
- (b) See answer to I-1(a).
- (c) See answer to I-1(a).
- (d) See answer to I-1(a).
- (e) See answer to I-1(a). See Title 66, Chapter 15, section [sic] 1501 and 1502.

18. 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).

19. The response served by the Complainant was non-responsive and incomplete because he states that he was in the process of amending his Complaint and that those details would be provided in the Amended Complaint.

20. However, since the Complainant filed these responses with the Commission on January 28, 2019, he has never amended his Complaint.

21. Moreover, PPL Electric has never been served with a supplemental response to this interrogatory that provides all of the requested information.

22. Discovery of the Complainant's allegations regarding the reasons why he is challenging the installation of the new AMI meter, including any health, safety, and privacy concerns, are critical to PPL Electric's ability to prepare for the evidentiary hearing and respond competently to the Complainant's allegations.

23. Based on the foregoing, the ALJ should direct the Complainant to answer fully PPL to Complainant Set I, Question 1.

B. PPL TO COMPLAINANT SET I, QUESTION 3

24. 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.

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

Cell phone records are attached for a Motorola Moto G6 and a Motorola Moto G3.

26. 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).

27. The response served by the Complainant was non-responsive and incomplete because **[BEGIN CONFIDENTIAL]**

[END CONFIDENTIAL]

28. The information requested about cell phone use is highly relevant to the issues raised in this case.

29. 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.

30. In fact, in the response to Question 3, the Complainant identifies two cell phones.

31. 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 phone.

32. Finally, to the extent that the Complainant has concerns about specific information about his cell phone use being publicly disclosed, the Company is willing to treat

such information as confidential for purposes of discovery.³ PPL Electric simply needs the records to quantify and verify the amount of time that the cell phones are used.

33. 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

34. 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.

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

- (a) See answer to I-1(a).
- (b) See answer to I-1(a).
- (c) N/A

³ PPL Electric would reserve the right to dispute that such information is actually confidential at the evidentiary hearing.

(d) See section I-4-(c)

(e) See section I-4-(c)

36. 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).

37. The responses served by the Complainant to Question 4 were non-responsive and incomplete.

38. In the responses to subparts (a) and (b), the Complainant states that he was in the process of amending his Complaint and that those details would be provided in the Amended Complaint.

39. However, since the Complainant filed these responses with the Commission on January 28, 2019, he has never amended his Complaint.

40. Furthermore, PPL Electric has never been served with a supplemental response to this interrogatory that provides all of the requested information.

41. In the response to subpart (c), the Complainant claims that copies of his medical records of every health condition identified in subpart (a) are not applicable. Then, in the responses to subparts (d) and (e), the Complainant simply refers back to the answer to subpart (c).

42. However, the deadline to serve any objections was January 21, 2019.

43. The Complainant's response was filed with the Commission, but not served on PPL Electric, on January 28, 2019.

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

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

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

47. Yet, the Complainant has refused to identify those health conditions and provide any medical records about the health conditions that allegedly will be caused by, contributed to, or exacerbated by the new AMI meter.

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

49. 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, QUESTION 5

50. 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.

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

- (a) Not known at this time
- (b) Not known at this time
- (c) Not known at this time

52. 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).

53. The response served by the Complainant to Question 5 was non-responsive and incomplete.

54. 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.

55. 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.

56. Moreover, the evidentiary hearing is currently scheduled for October 3, 2019, *i.e.*, approximately one month away.

57. Yet, the Complainant has never supplemented this response to provide the requested information about any fact witnesses.

58. Given that the hearing is about a month away, it is unclear how the Complainant still could not know whether he intends to present any fact witnesses at the hearing.

59. In addition, under the Prehearing Order issued in this proceeding on September 10, 2018, the Complainant was required to serve copies of his statements, reports, and any written expert testimony by February 1, 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.

E. 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 response to the question states:

- (a) Not known at this time
- (b) Not known at this time
- (c) Not known at this time
- (d) Not known at this time

65. 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).

66. The response served by the Complainant to Question 6 was non-responsive and incomplete.

67. 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.

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

69. Moreover, the evidentiary hearing is currently scheduled for October 3, 2019, *i.e.*, approximately one month away.

70. Yet, the Complainant has never supplemented this response to provide the requested information about any expert witnesses.

71. Given that the hearing is about a month away, it is unclear how the Complainant still could not know whether he intends to present any expert witnesses at the hearing.

72. In addition, under the Prehearing Order issued in this proceeding on September 10, 2018, the Complainant was required to serve copies of his statements, reports, and any written expert testimony by February 1, 2019.

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

74. 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.

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

F. PPL TO COMPLAINANT SET I, QUESTION 7

76. PPL to Complainant-I-7 requests the following:

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.

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

Not known at this time

78. 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).

79. The response served by the Complainant to Question 7 was non-responsive and incomplete.

80. The Complainant never provided copies of the exhibits that he intends to present or utilize at the evidentiary hearing.

81. Moreover, the evidentiary hearing is currently scheduled for October 3, 2019, *i.e.*, approximately one month away.

82. Yet, the Complainant has never supplemented this response to provide the requested information and documents.

83. Given that the hearing is about a month away, it is unclear how the Complainant still could not know what exhibits he intends to present at the hearing.

84. In addition, under the Prehearing Order issued in this proceeding on September 10, 2018, the Complainant was required to serve copies of his statements, reports, and any written expert testimony by February 1, 2019.

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

86. Therefore, at present, the Company has no idea what exhibits, if any, the Complainant intends to present and rely on at the evidentiary hearing.

87. For these reasons, the ALJ should direct the Complainant to answer fully PPL to Complainant Set I, Question 7.

III. SANCTIONS

88. 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).

89. 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).

90. If the Complainant fails to provide full and complete responses to PPL Electric’s discovery requests by September 19, 2019, PPL Electric will be deprived of a reasonable

opportunity to prepare for the hearing and respond to the Complainant's claims at the October 3, 2019 hearing.

91. Accordingly, the Company respectfully requests that if the Complainant fails to produce the information and documents related to any of his claims by September 19, 2019, then the Complainant should be barred from litigating the corresponding claim(s).

92. For example, if the Complainant fails to produce the 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 would cause, contribute to, or exacerbate any adverse health effects.

93. Similarly, if the Complainant fails to produce information about the 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.

94. 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.


95. 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 Jeffrey Ulmer 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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Michael J. Shafer (ID # 205681)
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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 Jeffrey Ulmer – Set I



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File #: 167945

January 9, 2019

VIA E-MAIL & REGULAR MAIL

Jeffrey Ulmer
7001 Running Valley Road
Stroudsburg, PA 18360

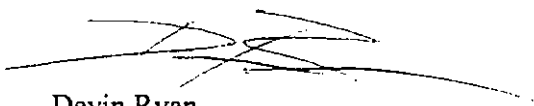
Re: Jeffrey Ulmer v. PPL Electric Utilities Corporation
Docket No. C-2018-3003824

Dear Mr. Ulmer:

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

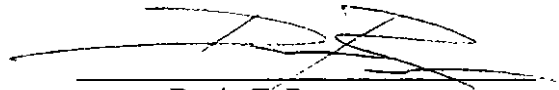
CERTIFICATE OF SERVICE

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 E-MAIL & FIRST CLASS MAIL

Jeffrey Ulmer
7001 Running Valley Road
Stroudsburg, PA 18360
E-mail: ustudios@aol.com

Date: January 9, 2019



Devin T. Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jeffrey Ulmer,	:	
	:	
Complainant	:	
	:	
v.	:	Docket No. C-2018-3003824
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent	:	

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED BY
PPL ELECTRIC UTILITIES CORPORATION ON
JEFFREY ULMER – 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 Jeffrey Ulmer (“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-2018-3003824.

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED ON
JEFFREY ULMER – 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

Jeffrey Ulmer's Answers to PPL Electric Utilities Corporation's Interrogatories and Requests for Production of Documents – Set I (without Cell Phone Records)

January 29, 2019

VIA ELECTRONIC FILING

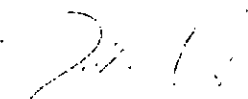
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone building
400 North Street, 2nd Floor
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Jeffrey Ulmer v. PPL Electric Utilities Corporation
Docket No. C-2018-3003824

Dear Secretary Chiavetta:

Enclosed for filing is my Response to Interrogatories and Requests for Production of Documents, Set I, propounded by PPL Electric Utilities Corporation, in the above referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Jeffrey Ulmer
Enclosures

Cc: ALJ Elizabeth Barnes (Cover Letter and Certificate only)
Certificate of Service

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Jeffrey Ulmer :
 :
 Complainant :
 v. : **Docket No. C-2018-3003824**
 :
 PPL Electric Utilities Corporation :
 :
 Respondent :

Responses to PPL Interrogatories and Requests for Production of Documents, Set I

Complainant to PPL -I-1

- (a) I am in the process of amending my Complaint. Details will be provided in my amended complaint.
- (b) See answer to I-1(a).
- (c) See answer to I-1(a).
- (d) See answer to I-1(a).
- (e) See answer to I-1(a). See Title 66, Chapter 15, section 1501 and 1502.

Complainant to PPL-I-2

Cell phones are used occasionally when needed. I have a landline phone and NO other wireless devices are used in my home.

Complainant to PPL -I-3

Cell phone records are attached for a Motorola Moto G6 and a Motorola Moto G3.

Complainant to PPL-I-4

- (a) See answer to I-1(a).
- (b) See answer to I-1(a).
- (c) N/A
- (d) See section I-4-(c)
- (e) See section I-4-(c)

Complainant to PPL-I-5

- (a) Not known at this time
- (b) Not known at this time
- (c) Not known at this time

Complainant to PPL-I-6

- (a) Not known at this time
- (b) Not known at this time
- (c) Not known at this time
- (d) Not known at this time

Complainant to PPL-I-7

Not known at this time

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Jeffrey Ulmer :
 :
 Complainant :
 v. : **Docket No. C-2018-3003824**
 :
 PPL Electric Utilities Corporation :
 :
 Respondent :

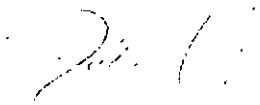
Certificate of Service

I, Jeffrey Ulmer, hereby certify that I have this day sent a true copy of my Answers to the Interrogatories and Requests for Production of documents propounded by PPL Electric Utilities Corporation in the manner indicated, in accordance with the requirements of 52 PA Code, section 1.54 (relating to service by a participant).

Via Electronic Filing

Devin Ryan, Esquire
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
dryan@postschell.com

Date: January 28, 2019



Jeffrey Ulmer

1.36 Verification

Verification

I, Jeffrey Ulmer, hereby state that the facts above set forth are true (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. section 4904 (relating to unsworn falsification to authorities).

Date: January 28, 2019



APPENDIX C

Cell Phone Records Attached to Jeffrey Ulmer's Answers to PPL Electric Utilities Corporation's Interrogatories and Requests for Production of Documents – Set I

CONFIDENTIAL

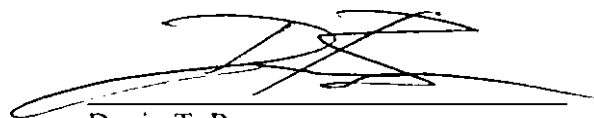
CERTIFICATE OF SERVICE

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

VIA E-MAIL & FIRST CLASS MAIL

Jeffrey Ulmer
7001 Running Valley Road
Stroudsburg, PA 18360
E-mail: ustudios@aol.com

Date: September 3, 2019



Devin T. Ryan

RECEIVED
SEP - 3 2019
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU