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October 2, 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: Mark Pauli Kleeman v. PPL Electric Utilities Corporation**  
**Docket No. C-2019-3010235**

Dear Secretary Chiavetta:

Enclosed for filing is the Motion of PPL Electric Utilities Corporation to Dismiss the Formal Complaint of Mark Pauli Kleeman 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 Steven K. Haas (*w/Enclosure*)  
Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Mark Pauli Kleeman,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2019-3010235
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

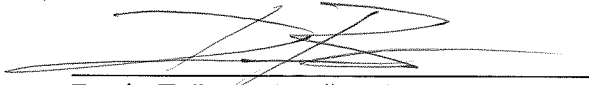
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**NOTICE TO PLEAD**

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YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.371(b), YOU MAY FILE A REPLY TO THE ENCLOSED MOTION TO DISMISS 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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Michael J. Shafer (ID # 205681)  
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Date: October 2, 2019

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Mark Pauli Kleeman,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2019-3010235
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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**MOTION OF PPL ELECTRIC UTILITIES CORPORATION TO  
DISMISS THE FORMAL COMPLAINT OF MARK PAULI KLEEMAN**

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TO ADMINISTRATIVE LAW JUDGE STEVEN K. HAAS:

Pursuant to 52 Pa. Code §§ 5.371-5.372, PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby files this Motion to Dismiss the Formal Complaint filed by Mark Pauli Kleeman (“Complainant”) in the above-captioned proceeding, due to his failure to comply with the Order Granting Motion to Compel (“Order”) issued by Administrative Law Judge Steven K. Haas (“ALJ”) on September 19, 2019. In support of its Motion, PPL Electric states as follows:

**I. INTRODUCTION**

1. On July 5, 2019, PPL Electric was served with the Formal Complaint filed by the Complainant against the Company, which challenged the installation of the Company’s new automated metering infrastructure (“AMI”) meter at the service address.
2. On July 25, 2019, PPL Electric timely filed its Answer to the Complaint.
3. On July 29, 2019, a Notice was issued scheduling the telephonic evidentiary hearing for September 25, 2019, before the ALJ.

4. 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 email and first class mail. A true and correct copy of PPL to Complainant Set I is attached hereto and marked as **Appendix A**.

5. Pursuant to the Commission’s regulations, objections to PPL to Complainant Set I were due on or before August 12, 2019, and responses were due on or before August 20, 2019.

6. The Complainant never served any objections or answers to PPL to Complainant Set I.

7. On September 10, 2019, counsel for PPL Electric sent the Complainant an email about, among other things, the status of the overdue discovery responses and trying to resolve the discovery dispute informally.

8. On September 12, 2019, PPL Electric filed its Motion to Compel responses to PPL to Complainant Set I.

9. The Complainant never filed an Answer to PPL Electric’s Motion to Compel.

10. On September 17, 2019, PPL Electric filed a letter requesting that the September 25, 2019 hearing be rescheduled.

11. On September 19, 2019, the ALJ issued an Order granting PPL Electric’s Motion to Compel. The Order specifically directed the Complainant to provide responses to PPL Electric within 10 days of the date of the Order, *i.e.*, by Monday, September 30, 2019, or else the ALJ would entertain a Motion to Dismiss the Complaint for failure to comply with the ALJ’s Order. A true and correct copy of the Order Granting Motion to Compel is attached hereto as **Appendix B**.

12. Also on September 19, 2019, a Notice was issued canceling the hearing scheduled for September 25, 2019 hearing.

13. The Complainant has not served any exhibits, expert testimony, or witness lists on PPL Electric to date.

14. The Company served its direct testimony and exhibits in this case on September 18, 2019, via email and overnight delivery.

15. As of the filing of this Motion, no responses to PPL to Complainant Set I have been received.

16. For the reasons explained herein, PPL Electric respectfully requests that the ALJ grant the instant Motion and dismiss the Complainant's Formal Complaint with prejudice, due to his failure to comply with the ALJ's September 19, 2019 Order Granting Motion to Compel and the Commission's regulations.

## **II. LEGAL STANDARDS**

17. 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.*

18. Answers to written interrogatories must "[a]nswer each interrogatory fully and completely unless an objection is made." *Id.* § 5.342(a)(4).

19. 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 refused to obey an order of the presiding officer respecting discovery. *See* 52 Pa. Code § 5.371(a).

20. Among the potential sanctions, the ALJ may enter:

(1) An 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) An 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.

(3) An 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.

(4) An order with regard to the failure to make discovery as is just.

52 Pa. Code § 5.372(a)(1)-(4) (emphasis added).

### **III. MOTION TO DISMISS FOR FAILURE TO COMPLY WITH THE ORDER GRANTING MOTION TO COMPEL**

21. PPL Electric respectfully requests that the ALJ grant the instant Motion and dismiss the Complainant's Formal Complaint with prejudice, due to his failure to comply with the ALJ's September 19, 2019 Order Granting Motion to Compel.

22. Here, PPL Electric has propounded straightforward requests for the Complainant to provide information that is very relevant to the issues in this proceeding.

23. Question 1 simply asks the Complainant to detail the reasons why he is challenging the AMI meter's installation and to identify, among other things, all health, safety, and privacy concerns he has with the new AMI meter.

24. In Question 2, PPL Electric has asked that the Complainant 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 talks that are contained in or used in the house. This inquiry is relevant to whether the Complainant exposes himself to technology that emits higher levels of radio frequency (“RF”) fields than the new AMI meter.

25. Relatedly, in Question 3, the Company has requested information regarding the Complainant’s cell phone usage and records of such usage. Using this information, PPL Electric could calculate the amount of the Complainant’s RF exposure from his cell phone and compare it to the lower amount of RF exposure from the new AMI meter.

26. In Question 4, PPL Electric has asked the Complainant to identify health conditions he alleges will be caused or worsened by the installation of the AMI meter and to provide any medical records of those alleged conditions. This is especially relevant because the Complainant has alleged that the AMI meter will cause, contribute to, or exacerbate adverse health effects, but he has provided absolutely no medical records.

27. In Questions 5 through 7, PPL Electric has asked for basic information about his case, including that he identify any lay witnesses and expert witnesses he plans to call to testify and that he provide copies of his proposed exhibits.

28. By refusing to answer these interrogatories, even after being directed to do so by the ALJ, the Complainant is denying PPL Electric due process and preventing the full and complete development of the evidentiary record.

29. The Complainant’s actions demonstrate his disregard of the ALJ’s Order Granting Motion to Compel and the Commission’s regulations.

30. Importantly, 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 and 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); *Kyle M. Denlinger v. PPL Electric Utilities Corp.*, Docket No. C-2018-3005721, pp. 4-11 (Aug. 16, 2019), *adopted*, Docket No. C-2018-3005721 (Order entered Sept. 26, 2019).

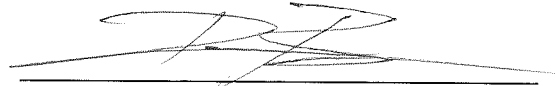
31. Moreover, the ALJ explicitly stated in his Order Granting Motion to Compel that the Complainant's failure to comply with the Order constitutes grounds for dismissal of the Complaint. Specifically, the ALJ declared that "Mr. Kleeman is also hereby put on notice that failure to comply with this order may result in the dismissal of his complaint." (Order Granting Motion to Compel, p. 2.) Further, if the Complainant has failed to provide the "full and complete answers" as required, "PPL may take whatever further action it deems appropriate for consideration by [the ALJ], including a motion to dismiss." (Order Granting Motion to Compel, p. 3.)

32. Thus, consistent with the Commission's regulations and precedent and the ALJ's Order Granting Motion to Compel, PPL Electric respectfully requests that the ALJ grant the instant Motion and dismiss the Complainant's Formal Complaint with prejudice.

**IV. CONCLUSION**

For the reasons set forth above, PPL Electric Utilities Corporation respectfully requests that Administrative Law Judge Steven K. Haas grant this Motion and dismiss the Formal Complaint filed by Mark Pauli Kleeman with prejudice.

Respectfully submitted,



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Devin T. Ryan (ID # 316602)  
Garrett P. Lent (ID # 321566)  
Lindsay A. Berkstresser (ID # 318370)  
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Date: October 2, 2019

Attorneys for PPL Electric Utilities Corporation

# **APPENDIX A**

## **Interrogatories and Requests for Production of Documents Propounded by PPL Electric Utilities Corporation on Mark Pauli Kleeman – Set I**



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Devin Ryan

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

July 31, 2019

***VIA E-MAIL (ONEMOREREP\_61060@YAHOO.COM) & FIRST CLASS MAIL***

Mark Pauli Kleeman  
203 W. 3rd Street  
Nescopeck, PA 18635

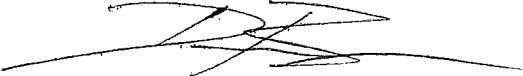
**Re: Mark Pauli Kleeman v. PPL Electric Utilities**  
**Docket No. C-2019-3010235**

Dear Mr. Kleeman:

Enclosed are the Interrogatories and Requests for Production of Documents Propounded by PPL Electric Utilities Corporation on Mark Pauli Kleeman – 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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Mark Pauli Kleeman,	:	
	:	
Complainant	:	
	:	
v.	:	Docket No. C-2019-3010235
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent	:	

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**INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS PROPOUNDED BY  
PPL ELECTRIC UTILITIES CORPORATION ON  
MARK PAULI KLEEMAN – SET I**

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Pursuant to 66 Pa.C.S. § 333 and 52 Pa. Code §§ 5.341 *et seq.*, PPL Electric Utilities Corporation (“PPL Electric”) propounds the following Interrogatories and Requests for Production of Documents (hereinafter, “discovery requests”) on Mark Pauli Kleeman (“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-2019-3010235.

**INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS PROPOUNDED ON  
MARK PAULI KLEEMAN – 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.

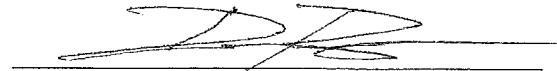
**CERTIFICATE OF SERVICE**

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).

**E-MAIL & FIRST CLASS MAIL**

Mark Pauli Kleeman  
203 W. 3<sup>rd</sup> Street  
Nescopeck, PA 18635  
Onemorerep\_61060@yahoo.com

Date: July 31, 2019

A handwritten signature in black ink, appearing to read 'D. Ryan', is written over a horizontal line.

Devin T. Ryan

# **APPENDIX B**

**September 19, 2019 Order Granting Motion to Compel**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Mark Pauli Kleeman	:	
	:	
v.	:	C-2019-3010235
	:	
PPL Electric Utilities Corporation	:	

**ORDER GRANTING MOTION TO COMPEL**

On May 23, 2019, the Complainant, Mark Pauli Kleeman, filed a formal complaint with the Pennsylvania Public Utility Commission (Commission) against PPL Electric Utilities Corporation (PPL). In his complaint, Mr. Kleeman requests that PPL re-install an analog meter at his residence. He avers that the smart meter installed by PPL is a health hazard. On July 25, 2019, PPL filed an answer in response to Mr. Kleeman’s formal complaint. In its answer, PPL admitted that it installed a smart meter at Mr. Kleeman’s residence. PPL denied, however, that the smart meter it installed poses any health hazard to the Complainant. PPL further avers that it is required to install smart meters at its customer’s locations pursuant to the Pennsylvania Public Utility Code, the Commission’s orders, and the Company’s Smart Meter Plan. 66 Pa. C.S. §2807(f); *Petition of PPL Electric Utilities Corp. for approval of Its Smart Meter Technology Procurement and Installation Plan*, Docket No. M-2014-2430781 (Order entered September 3, 2015). PPL requests that Mr. Kleeman’s formal complaint be denied in its entirety.

By Call-In Telephonic Hearing Notice dated July 29, 2019, the Commission scheduled an initial call-in telephonic hearing in this proceeding for September 25, 2019, at 10:00 a.m. I issued a prehearing order, dated August 13, 2019, in which I addressed various procedural requirements associated with participation in the hearing.

On July 31, 2019, PPL filed a Certificate of Service with the Commission evidencing service on Mr. Kleeman, via both first class and electronic mail, of PPL’s Set I Interrogatories and Requests for Production of Documents. Subsequently, on September 12,

2019, PPL filed a Motion to Compel Mr. Kleeman to answer PPL's Set I discovery requests. PPL noted in its Motion to Compel that it served its interrogatories on Mr. Kleeman on July 31, 2019. It further noted that objections to its requests were due by August 12, 2019, and answers were due by August 20, 2019. Attached to PPL's motion is a copy of the interrogatories and requests for production of documents. PPL's motion asserts that Mr. Kleeman did not object to any of the requests, nor did it provide any answers. The motion requests that the Presiding Officer issue an order directing Mr. Kleeman to answer each of its discovery requests.

The regulations at 52 Pa.Code §§ 5.321-5.373 contain the Commission's formal discovery rules. A party may use discovery to obtain information regarding any matter, not privileged, that is relevant to the subject matter of the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party. It is not grounds for objection that the information sought will be inadmissible at a hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. 52 Pa.Code § 5.321(c).

Information is relevant if it tends to establish a material fact, tends to make a fact at issue more or less probable or supports a reasonable inference or presumption regarding a material fact. Smith v. Morrison, 47 A.3d 131 (Pa. Super. 2012), app. denied, 57 A.3d 71 (Pa. 2012). Relevancy in discovery is broader than the standard used for admission of evidence at a hearing. Com. v. TAP Pharmaceutical Products, Inc., 904 A.2d 986 (Pa.Cmwlth. 2006).

I have reviewed PPL's interrogatories and requests for production of documents and find the information sought to be relevant to the issues in this complaint proceeding. Since Mr. Kleeman did not file timely objections to any of PPL's requests or submit answers within twenty days after service, I will grant the motion to compel and direct Mr. Kleeman to respond to PPL's interrogatories and requests for production of documents within ten days of the date of this order. Mr. Kleeman is also hereby put on notice that failure to comply with this order may result in the dismissal of his complaint.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the motion to compel filed on September 12, 2019, by PPL Electric Utilities Corporation is granted, pursuant to 52 Pa.Code § 5.342(g).

2. That within ten days of the date of this order, the Complainant, Mark Pauli Kleeman, shall provide to PPL full and complete responses to the interrogatories and requests for production of documents.

3. That the hearing in this matter, currently scheduled for Wednesday, September 25, 2019, is cancelled.

4. That, in the event the Complainant, Mark Pauli Kleeman, does not provide full and complete answers to PPL's interrogatories and requests for production of documents as directed by this order, PPL may take whatever further action it deems appropriate for consideration by me, including a motion to dismiss the application.

Date: September 19, 2019

\_\_\_\_\_/s/  
Steven K. Haas  
Administrative Law Judge

**C-2019-3010235 - MARK KLEEMAN v. PPL ELECTRIC UTILITIES CORPORATION**

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## 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).

### E-MAIL & FIRST CLASS DELIVERY

Mark Pauli Kleeman  
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Onemorerep\_61060@yahoo.com

Date: October 2, 2019

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

Devin T. Ryan