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October 10, 2019

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

VIA ELECTRONIC FILING

**RE: National Railroad Passenger Corporation v. PPL Electric Utilities Corporation;
Docket No. C-2019-3010398**

Dear Secretary Chiavetta:

Please find attached for filing with the Pennsylvania Public Utility Commission ("PUC" or "Commission") the Motion to Compel of the National Railroad Passenger Corporation (Amtrak), in the above-referenced proceeding.

If you have any questions regarding the attached document, please feel free to contact the undersigned. As shown by the attached Certificate of Service, the statutory parties are being duly served with a copy of this filing. Thank you.

Very truly yours,

McNEES WALLACE & NURICK LLC

By

A handwritten signature in blue ink that reads 'Pamela C. Polacek'.

Pamela C. Polacek
Matthew L. Garber

Counsel to National Railroad Passenger Corporation

Enclosures

cc: Deputy Chief Administrative Law Judge Joel H. Cheskis (via E-Mail and First Class Mail)
Certificate of Service

www.McNeesLaw.com

Harrisburg, PA • Lancaster, PA • Scranton, PA • State College, PA • Columbus, OH • Frederick, MD • Washington, DC

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|---|---|----------------|
| National Railroad Passenger Corporation | : | |
| | : | |
| v. | : | C-2019-3010398 |
| | : | |
| PPL Electric Utilities Corporation | : | |

NOTICE TO PLEAD

TO: Lindsay A. Berkstresser, Esq.
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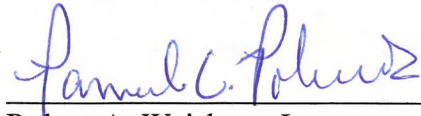
You are hereby notified that the response period for this Motion to Compel (“Motion”) is five (5) business days from service of this Notice. If you do not file a timely written response to the enclosed Motion, the presiding Administrative Law Judge may rule on this Motion without further input.

File with:

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

With a copy to the undersigned.

Respectfully submitted,



Robert A. Weishaar, Jr.

Pamela C. Polacek

Matthew L. Garber

McNEES WALLACE & NURICK LLC

100 Pine Street

P.O. Box 1166

Harrisburg, PA 17108-1166

Dated: October 10, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|---|---|----------------|
| National Railroad Passenger Corporation | : | |
| | : | |
| v. | : | C-2019-3010398 |
| | : | |
| PPL Electric Utilities Corporation | : | |

**MOTION TO COMPEL OF
THE NATIONAL RAILROAD PASSENGER CORPORATION**

AND NOW, the National Railroad Passenger Corporation (“Amtrak”), pursuant to 52 Pa. Code § 5.342 and 5.103, hereby moves for an order to compel production of discovery by PPL Electric Utilities Corporation (“PPL”) (“Motion to Compel”). The Motion to Compel requests that Administrative Law Judge (“ALJ”) Joel H. Cheskis direct PPL to provide full and complete responses to Amtrak’s Set I Interrogatories, Request 9 (“Request 9”), as required by Section 5.342(a)(4) of the Pennsylvania Public Utility Commission’s (“Commission” or “PUC”) regulations, 52 Pa. Code § 5.342(a)(4). In support of this Motion to Compel, Amtrak states as follows:

I. BACKGROUND

1. On September 18, 2019, Amtrak served its Set I Interrogatories and Set II Requests for Admission on PPL in the above-docketed proceeding. A true and correct copy of Set I and Set II are attached as Appendix A. On September 30, 2019, PPL served its formal objections (“Objections”) to Requests 9 and 10. A true and correct copy of PPL’s Objections are attached as Appendix B.

2. The Interrogatories to which PPL objects are as follows:

AMT-PPL-I-9 Provide all internal PPL correspondence and documents regarding the methodology that PPL uses to calculate transmission obligation calculations generally and Amtrak transmission obligations specifically.

AMT-PPL-I-10 Provide all correspondence between PPL and CNE, and between PPL and PJM, regarding the calculation of transmission obligations for the Conestoga Account.

3. As discussed more fully herein, PPL has not met the burden of proving that the information requested by Amtrak's Requests 9 and 10 is overly broad, unduly burdensome, or beyond the scope of permissible discovery. Moreover, PPL has not supported its claim that responding to Requests 9 and 10 is "unlikely to lead to the discovery of admissible evidence," or that responding "would require PPL Electric to undertake an unreasonably extensive and costly investigation." *See* Objections, at 1-2. Rather, PPL has done nothing more than present general objections without any specific explanation.

4. Notwithstanding the lack of explanation, Amtrak is willing to agree to a time frame for Request 10 of four (4) years prior to the filing of Amtrak's Complaint. This is consistent with the time limitation that ALJ Cheskis imposed on similar requests for correspondence that Amtrak provided to PPL in discovery.

5. Amtrak does not agree to limit the time period for Request 9 because transmission obligations have been in use since industry restructuring commenced in the mid-1990s. Relevant statements and documents may have been created at that time regarding the general methodology that PPL uses to establish transmission obligation calculations, and regarding Amtrak's transmission obligation specifically, that will support Amtrak's claims in this proceeding.

6. Under Section 5.342(g) of the Commission's regulations, "[w]ithin 10 days of service of an objection to interrogatories, the party submitting the interrogatories may file a motion requesting the presiding officer to dismiss an objection and compel that the interrogatory

be answered.” 52 Pa. Code § 5.342(g). Accordingly, Amtrak hereby files this Motion to Compel.

II. MOTION TO COMPEL

7. PPL objects to Request 9, alleging that Request 9 is “overly broad, unduly burdensome, and beyond the scope of permissible discovery.” Objections, at 2. PPL also states that Request 9 is “unlikely to lead to the discovery of admissible evidence.” *Id.* at 1. PPL argues that “without any limitation as to the period for which Amtrak seeks the requested correspondence,” Request 9 is “overly broad and not within the scope of permissible discovery.” *Id.* at 2. Because PPL refuses to “undertake an unreasonably extensive and costly investigation,” PPL refuses to respond to Request 9 “unless and until [Request 9 is] narrowed by Amtrak.” *Id.*

8. Pursuant to Commission regulations, “[a] party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action....” 52 Pa. Code § 5.321(c). “Relevancy should be interpreted broadly and liberally, and any doubts regarding the relevancy of subject matter should be resolved in favor of relevancy.” *Koken v. One Beacon Ins. Co.*, 911 A. 2d 1021, 1025 (Pa. Commw. Ct. 2006). The party contending that discovery is not relevant has the burden of proving irrelevancy. *Id.*

A. Request 9 is likely to lead to the discovery of admissible evidence regarding Amtrak’s claims and must be answered with no time limitation.

9. ALJ Cheskis’ August 29, 2019 Scheduling Order summarized Amtrak’s averments in the Amtrak Complaint. The first three averments all address the calculation of PPL-related transmission charges. Amtrak’s averments were summarized in the Scheduling Order as follows:

- 1) all PPL related transmission charges to Amtrak are unjust and unreasonable because PPL does not provide transmission service to Amtrak consistent with the manner in which Amtrak is being billed, 2) PPL violates Commission-jurisdictional tariffs by subjecting Amtrak to transmission charges at Conestoga

when no basis exists for such charges, 3) PPL's method of assessing transmission charges against Amtrak is unduly discriminatory in violation of the Public Utility Code....

August 29, 2019 Scheduling Order, at 1 (emphasis added).

10. All of these averments relate to the same core issue – how PPL calculates the transmission obligation and related transmission charges for Amtrak's account at Conestoga. As explained in Amtrak's Complaint, PPL's transmission calculation methodology is not transparent and is not expressed in any PUC or Federal Energy Regulatory Commission ("FERC") Tariff, yet it is a central driver of Amtrak's costs.

11. PPL has been calculating transmission obligations for customer accounts since the mid- to late-1990s, when electric industry restructuring occurred pursuant to the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. § 2801, et al.

12. To fully prosecute its Complaint, Amtrak must obtain information related to PPL's calculation of the transmission obligation that results in Amtrak's transmission charges. Consequently, Request 9 seeks correspondence and documents regarding PPL's calculation methodology for customers generally and for the Conestoga Account specifically. This is directly related to the core issue of this proceeding. As such, this information is "relevant to the subject matter involved in the pending action," as required by 52 Pa. Code § 5.321(c).

13. Despite the clear relevancy of these requests, PPL claims in its Objections that Request 9 is "unlikely to lead to the discovery of admissible evidence." Objections, at 1. However, PPL fails to defend this claim. Transmission obligation calculations, as explained above, are at the heart of Amtrak's Complaint. Correspondence and documents describing PPL's methodology for calculating Amtrak's transmission obligation are highly likely to lead to

the discovery of admissible evidence. PPL fails to support or even explain its claim to the contrary. Consequently, Amtrak respectfully requests that the ALJ deny PPL's Objections.

B. PPL has not supported its claim that Request 9 would cause PPL to undertake an unreasonably extensive and costly investigation and has therefore failed to demonstrate that Request 9 should be excluded.

14. PPL's Objections claim that Request 9 would require "an unreasonable search" by PPL as drafted. Objections, at 2. PPL fails to support this claim. Instead, PPL merely indicates that seeking "all" requested documents is overly broad. *Id.* (emphasis in original). PPL does not describe the anticipated scope of such a search, explain why the search would be unreasonable, or explain what, in PPL's view, would make the search reasonable in scope.

15. In contrast to PPL's claims, Amtrak's Request 9 is already limited to obtain information directly relevant to Amtrak's Complaint. Request 9 does not seek transmission-related correspondence or documents generally. Rather, it is limited to correspondence and documents regarding *the methodology PPL uses to calculate transmission obligations*. As described above, determination of a retail customer's transmission obligation is one of the essential calculations conducted by PPL that results in Amtrak's transmission costs. Transmission obligation calculation methodology is a defined, narrow, and focused topic. Unlike PPL's requests to Amtrak in PPL's Set I Interrogatories and Requests for Production of Documents, Questions 5-7, Amtrak is not seeking all correspondence related to transmission *service*. Amtrak has narrowed its requests to transmission obligation calculation *methodology*. This is a precise, limited, and relevant request.

16. Amtrak did not set a time limit for Request 9 for a very particular reason – it is unknown to Amtrak when PPL determined the transmission obligation calculation methodology that has been in effect during the four-year refund period ("Refund Period") immediately preceding the filing of Amtrak's Complaint. Similarly, Amtrak has the right to review the

internal correspondence and documents to determine whether the methodology has changed over time and whether PPL has considered issues regarding customers in the situation that Amtrak has articulated who do not rely on the general transmission system. PPL has not averred that its discussions of transmission obligation calculation methodology are frequent. In fact, PPL has implied the opposite by arguing that its methodology is consistent, not unduly discriminatory against Amtrak, and adequately transparent. *See Answer and New Matter of PPL Electric Utilities Corporation* (June 27, 2019), at ¶¶ 37, 56-65. If PPL's arguments are accurate, it stands to reason that PPL is not frequently changing its transmission obligation methodology. Consequently, PPL's internal policies may have been set in place prior to the Refund Period. The basis for PPL's methodology, and how this methodology has been evaluated, approved, implemented, and changed, are highly relevant to Amtrak's Complaint, as required by 52 Pa. Code § 5.321(c). Consequently, Amtrak did not place a time limit on Request 9.

17. As stated above, PPL has indicated that its transmission obligation calculation methodology is consistent and transparent. *See supra*, ¶ 16. However, these claims undermine PPL's assertion in its Objections that Request 9 would result in an unreasonable search by PPL. If PPL's transmission obligation calculation methodology is transparent and consistently applied, as PPL indicates, it is unclear why this methodology would be a frequent point of discussion creating a burdensome search. Considering that the keywords to identify such discussions would presumably be targeted and specific, it is not clear how the search would be unreasonably burdensome. PPL has failed to provide any support for its claim that the search for correspondence and documents regarding transmission obligation calculation methodology would be unduly burdensome. Amtrak respectfully requests that the ALJ reject PPL's Objections.

C. Even if PPL's search was burdensome, the information requested by Request 9 is highly relevant and central to Amtrak's Complaint, and therefore outweighs this inconvenience to PPL.

18. In *Commonwealth of Pa., et al. v. Blue Pilot Energy, LLC*, the Commission stated, "The prohibition on discovery is not whether answering the discovery would be burdensome but, rather, whether it would be unduly burdensome." PUC Docket No. C-2014-2427655 (Sept. 11, 2015). PPL has not demonstrated or explained why the search required to respond to Requests 9 is burdensome at all, let alone unduly burdensome. Even if there are some burdens associated with finding that information, the burdens are outweighed by the high degree of relevancy of the requested documents. Further, as stated by Commonwealth Court, "Relevancy should be interpreted broadly and liberally, and any doubts regarding the relevancy of subject matter should be resolved in favor of relevancy." *Koken v. One Beacon Ins. Co.*, 911 A. 2d 1021, 1025 (Pa. Commw. Ct. 2006). Consequently, a vague claim of burden cannot be used to undermine a litigant's need for discovery that is highly relevant and central to the litigant's case.

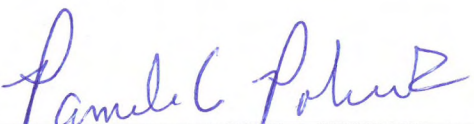
19. PPL has failed to provide any support for its claim that Request 9 will result in an unduly burdensome search. Amtrak's request is sufficiently narrow and tailored to avoid placing an undue burden on PPL. Considering the high degree of relevancy of Amtrak's Request 9, and PPL's failure to explain why such a search would be unduly burdensome, Amtrak respectfully requests that the ALJ issue an order requiring PPL to produce complete responses to Request 9.

III. CONCLUSION

WHEREFORE, Complainant National Railroad Passenger Corporation hereby requests that the Presiding Administrative Law Judge: (i) order PPL Electric Utilities Corporation to provide complete responses to Request 9; and (ii) grant Complainant such other relief as may be just and reasonable under the circumstances.

Respectfully submitted,

Dated: October 10, 2019

By 
Robert A. Weishaar, Jr. (I.D. No. 74678)
Pamela C. Polacek (I.D. No. 78276)
Matthew L. Garber (I.D. No. 322855)
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Counsel to the National Railroad Passenger
Corporation

Appendix A



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Matthew L. Garber
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mgarber@mceeslaw.com

September 18, 2019

Lindsay A. Berkstresser, Esq.
Post & Schell, P.C.
17 N 2nd Street, 12th Floor
Harrisburg, PA 17101

VIA E-MAIL AND FIRST CLASS MAIL

**RE: National Railroad Passenger Corporation v. PPL Electric Utilities Corporation;
Docket No. C-2019-3010398**


Dear Ms. Berkstresser:

Enclosed please find the National Railroad Passenger Corporation's ("Amtrak") Interrogatories and Requests for Production of Documents – Set I, Nos. 1 – 11, and Request for Admission – Set II, Nos. 1 – 15 – to PPL Electric Utilities Corporation ("PPL"), in the above-referenced proceeding.

As shown by the attached Certificate of Service, all parties to this proceeding are being duly served with a copy of this Transmittal Letter. Thank you.

Very truly yours,

McNEES WALLACE & NURICK LLC

By 
Pamela C. Polacek
Matthew L. Garber

Counsel to National Railroad Passenger Corporation

Enclosures

c: Rosemary Chiavetta, Secretary (via Electronic Filing – Letter and Certificate of Service only)
Certificate of Service (Letter and Certificate of Service only)

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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| National Railroad Passenger Corporation | : | |
| | : | |
| v. | : | C-2019-3010398 |
| | : | |
| PPL Electric Utilities Corporation | : | |

**NATIONAL RAILROAD PASSENGER CORORPATION
REQUEST FOR ADMISSION
TO PPL ELECTRIC UTILITIES CORPORATION**

The National Railroad Passenger Corporation ("Amtrak") propounds the following Request for Admission to PPL Electric Utilities Corporation ("PPL") to be answered by those officers, employees, or agents who may be cognizant of the requested facts and who are authorized to answer on behalf of PPL. Telephone or other contact concerning the availability and timing of formal responses is encouraged to the extent that it supplements, amplifies, and/or explains the formal written responses. Pursuant to 52 Pa. Code § 5.350 and the Scheduling Order entered on August 29, 2019, in the above-captioned docket, if the attached are not admitted or specifically denied by October 8, 2019, then the responses shall be deemed admitted.

INSTRUCTIONS

- (a) The answers provided should restate the question asked and also identify the person(s) supplying the information. Each response should begin on a separate sheet of paper.
- (b) All information is to be divulged that is within the knowledge, possession, control, or custody of PPL or may be reasonably ascertained thereby.
- (c) Definitions. As used herein:
 - (1) The words "documents," "materials," "studies," and "analyses" shall include, but are not limited to, the original and all copies of workpapers, memoranda, reports, books, manuals, instructions, directives, records, forms, notes, letters, notices, confirmations, telegrams, pamphlets, notations of any sort concerning conversations, telephone calls, meetings or other communications, bulletins, transcripts, diaries, summaries, correspondence and enclosures, circulars, opinions, studies, investigations, questionnaires and surveys, worksheets, and all drafts, preliminary versions, alterations, modifications, revisions, changes, amendments, and written comments concerning the foregoing.
 - (2) "PPL" shall mean PPL Electric Utilities Corporation.
 - (3) "Commission" or "PUC" shall mean the Pennsylvania Public Utility Commission.
 - (4) "Conestoga Account" shall mean Amtrak's account used deliver power to Parkesburg and Royalton and associated with PPL Bill Account Number 58011-02004, including any predecessor or successor account numbers assigned to Amtrak's retail service from PPL.
 - (5) "Transmission obligation" shall mean the billing determinant calculated by PPL for each retail customer account, which is used by PPL to report to PJM the

Network Integration Transmission Service ("NITS") obligation of the load serving entity for the retail customer account. Transmission obligation includes all common versions of the label for this billing determinant, including, but not limited to, "transmission tag," "transmission Peak Load Contribution," and "Network Service Peak Load ("NSPL") contribution."

- (d) If PPL claims that any of the items set forth in these requests for admission are ambiguous or unclear in any way, please notify Amtrak's attorneys as soon as possible so that the items(s) may be properly clarified prior to the preparation of a written response.
- (e) If PPL claims confidentiality or any other privilege, please identify specifically the items to be covered by the claim. If PPL claims a privilege as to writing or some other tangible material, please state this and identify specifically the writing or tangible material, including the author, addressee, date and subject, as well as the nature and basis of the privilege being claimed.

**NATIONAL RAILROAD PASSENGER CORPORATION
REQUEST FOR ADMISSION
TO PPL ELECTRIC UTILITIES CORPORATION**

DOCKET NO. C-2019-3010398

- AMT-PPL-II-1. During the time when PPL partially owned the Conestoga Substation prior to the condemnation, the substation was classified by PPL as a distribution facility, not a transmission facility.
- AMT-PPL-II-2. During the time when PPL partially owned the Conestoga Substation prior to the condemnation, PPL recovered its expenses and its return on the rate base related to the Conestoga Substation through distribution rates on file with the PUC.
- AMT-PPL-II-3. Except for the transmission lines that move power from the Conestoga Substation to the Maryland border, PPL does not use any of its facilities to deliver 25 hertz power to any retail customers.
- AMT-PPL-II-4. The PUC exercised jurisdiction over the Conestoga substation as a distribution facility during the time when PPL partially owned the Conestoga substation prior to the condemnation.
- AMT-PPL-II-5. PPL always reported the Conestoga substation as a distribution asset in its FERC Form 1 filings.
- AMT-PPL-II-6. PPL never placed the Conestoga substation under PJM operational control.
- AMT-PPL-II-7. No electric energy that flows from the Conestoga Substation into the PPL 138 kV lines that interconnect with the Conestoga Substation, for delivery to the Amtrak delivery point in Perryville, Maryland, is subject to any PPL NITS or point-to-point transmission service rate.
- AMT-PPL-II-8. PPL is not measuring any power flows into the Manor Substation to calculate the NSPL for any Amtrak account.
- AMT-PPL-II-9. PPL customers can retrieve their interval and demand usage data via PPL's Customer Energy Analyzer.
- AMT-PPL-II-10. PPL refused to provide Amtrak with Amtrak's interval and demand usage data for Amtrak's PPL accounts.
- AMT-PPL-II-11. PPL customers can request their NSPL tag info from their PPL Key Account Managers for the Large Commercial accounts.
- AMT-PPL-II-12. PPL refused to provide Amtrak with NSPL tag information.
- AMT-PPL-II-13. PPL never placed the 138 kV lines it owns between the Conestoga Substation and the Pennsylvania/Maryland border under PJM operational control.
- AMT-PPL-II-14. All electrical energy delivered to the Amtrak delivery points at Parkesburg and Royalton reaches the Conestoga Substation either

directly from Safe Harbor Units 1 and 2 or from the Frequency Converter (FC 27).

AMT-PPL-II-15. Presently, no PPL facilities of any kind exist: (1) between Safe Harbor Units 1 and 2 and the Amtrak delivery points at Parkesburg and Royalton, or (2) between the Frequency Converter (FC 27) and the Amtrak delivery points at Parkesburg and Royalton.

Dated: September 18, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

National Railroad Passenger Corporation :
v. : C-2019-3010398
PPL Electric Utilities Corporation :

**THE NATIONAL RAILROAD PASSENGER CORPORATION
INTERROGATORIES – SET I
TO PPL ELECTRIC UTILITIES CORPORATION**

The National Railroad Passenger Corporation ("Amtrak") submits the following interrogatories to PPL Electric Utilities Corporation ("PPL") to be answered by those officers, employees, or agents who may be cognizant of the requested facts and who are authorized to answer on behalf of PPL. Telephone or other contact concerning the availability and timing of formal responses is encouraged to the extent that it supplements, amplifies and/or explains the formal written responses.

Dated: September 18, 2019

INSTRUCTIONS

- (a) The answers provided should restate the question asked and also identify the person(s) supplying the information. Each response should begin on a separate sheet of paper.
- (b) All information is to be divulged that is within the knowledge, possession, control, or custody of PPL or may be reasonably ascertained thereby.
- (c) Definitions. As used herein:
 - (1) The words "documents," "materials," "studies," and "analyses" shall include, but are not limited to, the original and all copies of workpapers, memoranda, reports, books, manuals, instructions, directives, records, forms, notes, letters, notices, confirmations, telegrams, pamphlets, notations of any sort concerning conversations, telephone calls, meetings or other communications, bulletins, transcripts, diaries, summaries, correspondence and enclosures, circulars, opinions, studies, investigations, questionnaires and surveys, worksheets, and all drafts, preliminary versions, alterations, modifications, revisions, changes, amendments, and written comments concerning the foregoing.
 - (2) "PPL" shall mean PPL Electric Utilities Corporation.
 - (3) "Commission" or "PUC" shall mean the Pennsylvania Public Utility Commission.
 - (4) "Conestoga Account" shall mean Amtrak's account used deliver power to Parkesburg and Royalton and associated with PPL Bill Account Number 58011-02004, including any predecessor or successor account numbers assigned to Amtrak's retail service from PPL.
 - (5) "Transmission obligation" shall mean the billing determinant calculated by PPL for each retail customer account, which is used by PPL to report to PJM the Network Integration Transmission Service ("NITS") obligation of the load serving entity for the

retail customer account. Transmission obligation includes all common versions of the label for this billing determinant, including, but not limited to, "transmission tag," "transmission Peak Load Contribution," and "Network Service Peak Load ("NSPL") contribution."

- (d) If PPL claims that any of the items set forth in these interrogatories are ambiguous or unclear in any way, please notify Amtrak's attorneys as soon as possible so that the items(s) may be properly clarified prior to the preparation of a written response.
- (e) If PPL claims confidentiality or any other privilege, please identify specifically the items to be covered by the claim. If PPL claims a privilege as to writing or some other tangible material, please state this and identify specifically the writing or tangible material, including the author, addressee, date and subject, as well as the nature and basis of the privilege being claimed.

**NATIONAL RAILROAD PASSENGER CORPORATION
INTERROGATORIES – SET I
TO PPL ELECTRIC UTILITIES CORPORATION**

DOCKET NO. C-2019-3010398

- AMT-PPL-I-1** Identify each PPL meter at Conestoga, Safe Harbor, and the Manor substation. Indicate each meter's location on the one-line diagram provided as an attachment hereto and indicate the voltage of the facilities to which each meter is connected.
- AMT-PPL-I-2** Describe how each of the PPL meters identified in the response to AMT-PPL-I-1 is used to determine the transmission obligation for the Conestoga Account.
- AMT-PPL-I-3** Provide the following for each of the peak hours used to determine Amtrak's transmission obligation for the Conestoga Account for 2018:
- a. Date and hour of the peak.
 - b. Reading for each of the applicable meters (including separately stating the "received" and "delivered" volume) for that hour.
- AMT-PPL-I-4** Provide the same information as requested in AMT-PPL-I-3 for the transmission obligations for the Conestoga Account during 2017, 2016, 2015, 2014 and 2013.
- AMT-PPL-I-5** Provide an Excel spreadsheet (with formula active) calculating the transmission obligation for the Conestoga Account for the years 2013 through 2018, including the account demand for each of the relevant peak hours and any scaling factor or other adjustments.
- AMT-PPL-I-6** Provide the docket number, date, and Commission Order or other document demonstrating the PUC's approval of PPL's method to calculate the NSPL for retail customer accounts in the PPL service territory.
- AMT-PPL-I-7** For the transmission peak hours identified in the responses to AMT-PPL-I-3 and AMT-PPL-I-4, identify any hours in which power was flowing from the PPL transmission system through the Manor Substation and into the Conestoga Substation. Specify the hourly demand and MWh of such flows into the Conestoga Substation.
- AMT-PPL-I-8** Does PPL agree that the Conestoga Substation would be served by power flowing from the PPL transmission system through the Manor substation only when (a) the Safe Harbor 25 hertz turbines are not generating enough power to supply Amtrak's demand at Conestoga; and (b) the Safe Harbor 60 hertz turbines are not generating enough power to meet Amtrak's

**NATIONAL RAILROAD PASSENGER CORPORATION
INTERROGATORIES – SET I
TO PPL ELECTRIC UTILITIES CORPORATION**

DOCKET NO. C-2019-3010398

demand at Conestoga? If PPL's answer is not an unequivocal "yes", then please explain the answer in detail.

- AMT-PPL-I-9** Provide all internal PPL correspondence and documents regarding the methodology that PPL uses to calculate transmission obligation calculations generally and Amtrak transmission obligations specifically.
- AMT-PPL-I-10** Provide all correspondence between PPL and CNE, and between PPL and PJM, regarding the calculation of transmission obligations for the Conestoga Account.
- AMT-PPL-I-11** Provide the Transmission Contract among PPL, Safe Harbor Water Power Corporation, and Baltimore Gas and Electric Company with an effective date of October 1, 1960, and all amendments thereto.

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant).

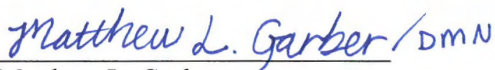
VIA E-MAIL AND FIRST-CLASS MAIL

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Dated this 18th day of September, 2019, in Harrisburg, Pennsylvania.

Appendix B



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September 30, 2019

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Re: National Railroad Passenger Corporation v. PPL Electric Utilities Corporation
Docket No. C-2019-3010398

Dear Counsel:

Enclosed please find the Objections of PPL Electric Utilities Corporation to National Railroad Passenger Corporation's Interrogatories, Set I, Nos. 9 and 10, in connection with the above proceeding. Thank you.

Sincerely,

Lindsay A. Berkstresser

LAB/kl
Enclosure

cc: Rosemary Chiavetta (*letter and Certificate of Service only*)
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|---|---|---------------------------|
| National Railroad Passenger Corporation | : | |
| | : | |
| Complainant | : | |
| | : | |
| v. | : | Docket No. C-2019-3010398 |
| | : | |
| PPL Electric Utilities Corporation, | : | |
| | : | |
| Respondent | : | |

**OBJECTIONS OF PPL ELECTRIC UTILITIES CORPORATION
TO INTERROGATORIES PROPOUNDED BY
THE NATIONAL RAILROAD PASSENGER CORPORATION**

PPL Electric Utilities Corporation (“PPL Electric”) hereby submits these Objections to Interrogatories Propounded by The National Railroad Passenger Corporation (“Amtrak”) Set I, Questions 9 and 10, pursuant to 52 Pa. Code § 5.342. As explained below, PPL Electric objects to Amtrak Set I, Questions 9 and 10 because they are overly broad, unduly burdensome, and unlikely to lead to the discovery of admissible evidence.

I. OBJECTIONS TO AMTRAK SET I, QUESTIONS 9 AND 10

Amtrak Set I, Questions 9 and 10 provide as follows:

9. Provide all internal PPL correspondence and documents regarding the methodology that PPL uses to calculate transmission obligation calculations generally and Amtrak transmission obligations specifically.

10. Provide all correspondence between PPL and CNE, and between PPL and PJM, regarding the calculation of transmission obligations for the Conestoga Account.

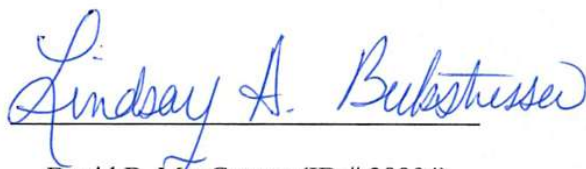
Pursuant to Section 5.321(c), a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery

of admissible evidence. 52 Pa. Code § 5.321(c). However, the Commission's regulations place limitations on the scope of discovery. Discovery that would cause unreasonable burden or expense or require an unreasonable investigation by a party is not permitted. 52 Pa. Code § 5.361(a)(2), (4). Amtrak Set I, Questions 9 and 10 are overly broad, unduly burdensome, and beyond the scope of permissible discovery.

Questions 9 and 10 would require an unreasonable search by PPL Electric unless limited by Amtrak. As drafted, Questions 9 and 10 seek all internal PPL Electric correspondence regarding PPL Electric's transmission obligation calculation methodology for Amtrak and all correspondence between PPL Electric and CNE and PPL Electric and PJM regarding the calculation of transmission obligations for the Conestoga account. Without any limitation as to the period for which Amtrak seeks the requested correspondence, Questions 9 and 10 are overly broad and not within the scope of permissible discovery pursuant to the Commission's regulations. Because responding to the requests as drafted would require PPL Electric to undertake an unreasonably extensive and costly investigation, PPL Electric will not provide a response to Questions 9 and 10 unless and until the requests are narrowed by Amtrak.

II. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation specifically objects to Amtrak Set I, Questions 9 and 10 as beyond the scope of permissible discovery because the requests are overly broad, unduly burdensome, and unlikely to lead to the discovery of admissible evidence.



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Of Counsel:

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Date: September 30, 2019

Attorneys for PPL Electric Utilities Corporation

CERTIFICATE OF SERVICE

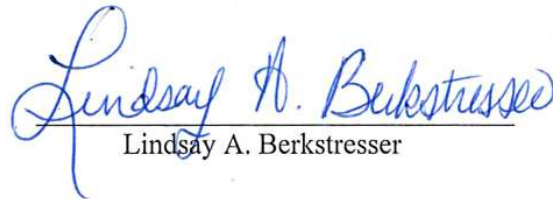
I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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Date: September 30, 2019


Lindsay A. Berkstresser

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant).

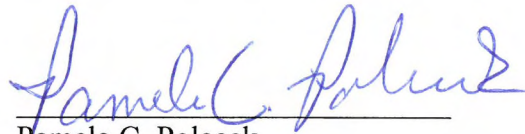
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Dated this 10th day of October, 2019, in Harrisburg, Pennsylvania.