

Docket Nos. F-2019-3008809 and F-2019-3008832

**MOTION TO DISMISS PPL ELECTRIC UTILITIES CORPORATION
OBJECTIONS, AND TO COMPEL ANSWERS, TO COMPLAINANTS'
INTERROGATORIES AND REQUEST FOR PRODUCTION OF
DOCUMENTS (SET II)**

Pursuant to 52 Pa. Code § 5.342(g), Complainants hereby file this motion to dismiss PPL Electric Utilities Corporation (“Respondent”) objections, and to compel answers, to Complainants' interrogatories and request for production of documents, Set II.¹

¹ Because Respondent's objections were served by first class mail, three days were added to the deadline for Complainants' motion to compel. See 52 Pa. Code § 1.56(b). This motion therefore is timely filed.

Complainants maintain that the interrogatories propounded upon, and objected to by, PPL Electric Utilities are not "speculative," "overly broad," "unduly burdensome," or unreasonably "vague," and that they certainly are not incomprehensible. To the contrary, Complainants' interrogatories objected to by PPL are straightforward, reasonable, and sufficiently explicit, clear and direct so as to lead to the discovery of admissible evidence. Complainants' interrogatories as stated and contained herein do not assume facts and do not improperly seek legal opinions. PPL's objections to Complainants' interrogatories are largely disingenuous, clearly evasive, and without merit.

I. COMPLAINANTS' SET II, INTERROGATORIES 1 THROUGH 5

A. COMPLAINANTS' SET II INTERROGATORIES 1 THROUGH 5 AS STATED:

1. In support of its position in the instant case, does PPL assert or make the claim that radiofrequency radiation at power densities which are below the FCC's current safety guidelines cannot, do not, could not, and will not cause or increase the risk of biological or adverse health effects?
2. In support of its position in the instant case, does PPL assert or make the claim that radiofrequency radiation at specific absorption rate (SAR) levels which are below the

FCC's current safety guidelines cannot, do not, could not, and will not cause or increase the risk of biological or adverse health effects?

3. If PPL's answer to I-1 or I-2 is in the affirmative, please identify specifically all evidence upon which PPL relies for support of such claims, citing all and only peer-reviewed scientific research which was fully independent and completely without conflicts of interest and which excludes studies that were funded, in whole or in part, by wireless technologies and related industries.
4. Of all the peer-reviewed scientific research studies cited in PPL's response to I-3 that reported negative or inconclusive results, please indicate specifically which, if any, PPL would purport to completely counter, negate or nullify the positive findings of one or more peer-reviewed scientific research studies that have reported biological and/or adverse health effects from RF exposure.
5. Of all the peer-reviewed scientific research studies cited in PPL's response to I-4, please identify only those, if any, which were genuine attempts to replicate the positive findings of some prior research study and which faithfully and precisely followed all methodological and design protocols of the modeled positive study, but which nonetheless obtained negative or inconclusive results.

B. RESPONDENT'S OBJECTIONS TO INTERROGATORIES I THROUGH 5:

2. The Company objects to Complainants-II-1 through 5 on the grounds that the requests are vague, incomprehensible, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.
3. The interrogatories use a number of vague and undefined terms, such as "power densities," "fully independent," "completely without conflicts of interest," "completely counter, negate or nullify the positive findings," "genuine attempts to replicate," and "faithfully and precisely followed." Without clarification as to the meaning of these terms, PPL Electric cannot reasonably provide a complete and accurate response.
4. Moreover, these lengthy interrogatories weave a series of incomprehensible compound phrases and sentences, which make responding to the discovery requests unreasonably difficult. For example, Question Nos. 1 and 2 both repeat the phrase, "cannot, do not, could not, and will not cause or increase the risk of biological or adverse health effects."

5. Further, Question Nos. 3 through 5 are unduly burdensome because they request PPL Electric to identify “specifically all evidence upon which PPL relies for support of such claims” and then ask for further information about how each of those studies was performed. PPL Electric’s expert witnesses have reviewed hundreds of studies in formulating their expert opinions. The scope of these interrogatories should be reasonably limited to the studies upon which the Company’s expert witnesses specifically rely on in their expert testimony and exhibits in this proceeding.
6. For these reasons, these interrogatories are vague, incomprehensible, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

C. COMPLAINANTS' RESPONSES TO PPL'S OBJECTIONS TO INTERROGATORIES 1 THROUGH 5:

1. Interrogatories 1 and 2, as well as a number of other of Complainants' interrogatories, simply require a 'yes' or 'no' answer from Respondent, PPL. Either the company asserts the proposition articulated by the given question, or it does not. PPL certainly is free to qualify its negative answers if the company should find it necessary to more fully clarify its position. In these and in all of the remaining interrogatories, Complainants invite PPL Electric to choose, for the terms and phrases which it finds objectionable, those definitions which, without sacrificing accuracy, are the strictest and most favorable to the company's position in these proceedings.
2. The phrase "power densities" in Interrogatory 2 is commonly used by scientists who study radiofrequency radiation and EMFs. In fact, in PPL's response to Interrogatory I-40 of Complainants' Interrogatories to PPL, Set I, PPL expressed its answer in terms of milliwatts-per-square-centimeter, which is power per unit of area, or power density. Complainants' use of this phrase is certainly sufficiently clear. Especially given the fact that Respondent, PPL, is an electric utility company, Respondent can hardly characterize the phrase as vague and needing further definition or explanation. Moreover, Respondent also has adequate access to technical expertise if it should so require.
3. The phrases “fully independent” and “completely without conflicts of interest” used in Interrogatory No. 3 are practically self-explanatory and hardly require further explanation or clarification. They are used simply to qualify scientific research studies that have not been fully or partially funded by industries whose interests could significantly have influenced the results or outcomes of the studies.

4. Respondent argues that Complainants' "interrogatories weave a series of incomprehensible compound phrases and sentences, which make responding to the discovery requests unreasonably difficult." Citing Interrogatory Nos. 1 and 2 as an example, Respondent complains that both repeat the phrase, "cannot, do not, could not, and will not cause or increase the risk of biological or adverse health effects." The meaning of this phrase is quite clear and unambiguous, and it certainly is not incomprehensible as Respondent claims. Respondent hardly can claim that it does not fully understand Complainants' use of this phrase within the context of these interrogatories. Complainants' use of this phrase in Interrogatories 1 and 2 is therefore entirely warranted.
5. The concept of "weight of evidence" as used in science has been linked to the legal concept of "preponderance of evidence," although "weight of evidence" is often misunderstood and improperly employed in legal proceedings.

Complainants have produced, in addition to numerous major scientific studies, testimonies of world-renowned expert scientists who, having actually done the science, have first-hand knowledge thereof as well as expert knowledge of the vast body of scientific literature relating to their respective fields of expertise.

Because Respondent, PPL, intends to rely for evidence upon the opinions of its expert witnesses who purportedly have reviewed "hundreds of studies," it is reasonable and necessary for Complainants, via Interrogatories 3, 4 and 5 to require Respondent to identify such studies. Moreover, it is reasonable for Complainants to require Respondent to identify which of these studies did not involve conflicts of interest.

Also, because of the fact that there is a voluminous body of literature of peer-reviewed scientific studies that have reported positive findings of biological effects of exposure to low levels of RF radiation, it is apparent that PPL and/or its expert witnesses either have largely ignored this vast body of literature, or have selectively considered (cherry-picked) primarily studies having results that are favorable to Respondent's business interests.

It is therefore reasonable that Respondent be required to identify which studies, if any, PPL and/or its expert witnesses would purport to effectively counterbalance, in terms of weight of evidence, studies which have reported positive findings.

It is reasonable also for Complainants' to require Respondent to at least partially address the quality of the research studies upon which PPL and/or its expert witnesses intend to rely by the company's identifying which, if any, of those studies obtained

negative or inconclusive results despite having fully replicated the methodology and design protocols followed by a prior study that had obtained positive results.

For expert witnesses to provide testimony by simply reciting that they have reviewed a large number of studies is absolutely not sufficient for Respondent to establish either prima facie evidence or a preponderance of evidence.

II. COMPLAINANTS' SET II, INTERROGATORIES 25 THROUGH 36

A. COMPLAINANTS' SET II INTERROGATORIES 25 THROUGH 36 AS STATED:

25. Does PPL assert or claim that there is no risk or increased risk of biological or adverse health effects associated with 'sub-thermal' or 'non-thermal' levels of exposure to radiofrequency radiation and/or RF electromagnetic fields?
26. If PPL's answer to I-25 is in the affirmative, please identify and concisely state all scientifically established facts and objective evidence which PPL alleges and intends to put forth as conclusive evidence in support of that claim.
27. Does PPL assert or claim that 'sub-thermal' or 'non-thermal' levels of radiofrequency radiation and/or RF electromagnetic fields are not, and cannot be, a biological hazard?
28. If PPL's response to I-27 is in the affirmative, please identify and concisely state all scientifically established facts and objective evidence which PPL alleges and intends to put forth as conclusive evidence in support of that claim.
29. Does PPL assert or claim that 'sub-thermal' or 'non-thermal' levels of radiofrequency radiation and/or RF electromagnetic fields are not, and cannot be, a carcinogenic hazard?
30. If PPL's response to I-29 is in the affirmative, please identify and concisely state all scientifically established facts and objective evidence which PPL alleges and intends to put forth as conclusive evidence in support of that claim.
31. Does PPL assert or claim that exposure to 'sub-thermal' or 'non-thermal' levels of radiofrequency radiation and/or RF electromagnetic fields do not, cannot and could not cause non- linear biological effects?

32. If PPL's response to I-31 is in the affirmative, please identify and concisely state all scientifically established facts and objective evidence which PPL alleges and intends to put forth as conclusive evidence in support of that claim.
33. Does PPL assert or claim that the levels of radiofrequency radiation and/or RF electromagnetic fields produced by its wireless smart meter devices are negligible and "too small to matter" biologically?
34. If PPL's response to I-33 is in the affirmative, please identify and concisely state all scientifically established facts and objective evidence which PPL alleges and intends to put forth as conclusive evidence in support of that claim.
35. Does PPL assert or claim that any and all biological and health risks associated with exposure to 'sub-thermal' or 'non-thermal' levels of radiofrequency radiation and/or RF electromagnetic fields produced by its wireless smart meter devices are negligible and "too small to matter"?
36. If PPL's response to I-35 is in the affirmative, please identify and concisely state all scientifically established facts and objective evidence which PPL alleges and intends to put forth as conclusive evidence in support of that claim.

B. RESPONDENT'S OBJECTIONS TO INTERROGATORIES 25 THROUGH 36:

9. The Company objects to Complainants-II-25 through 36 on the grounds that the requests are vague, incomprehensible, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.
10. The interrogatories use a number of vague and undefined terms, such as "sub-thermal," "non-thermal," "non-linear biological effects," "negligible and 'too small to matter' biologically," "biological hazard," and "carcinogenic hazard." Without clarification as to the meaning of these terms, PPL Electric cannot reasonably provide a complete and accurate response.
11. Moreover, Question Nos. 27, 29, 31, 33, and 35 weave a series of incomprehensible compound phrases and sentences, which make responding to the discovery requests unreasonably difficult. For example, Question No. 31 uses the phrase "do not, cannot and could not cause non-linear biological effects."

12. For these reasons, these interrogatories are vague, incomprehensible, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

C. COMPLAINANTS' RESPONSES TO PPL'S OBJECTIONS TO INTERROGATORIES 25 THROUGH 36:

1. The scientific literature pertaining to biological effects of RF radiation is replete with usage of the terms “sub-thermal” and “non-thermal,” which refer to levels of non-ionizing radiation that are insufficient to cause thermal heating of tissue. The term “non-thermal” in fact has been used in prior proceedings of this Court. (See Alan V. Schmukler v. PPL Electric Utilities Corporation, Initial Decision, p. 25.) Respondent hardly can claim that these terms are vague to the degree that they realistically would confound PPL Electric's ability to provide a complete and accurate response.
2. Usage of the phrase “biological hazard” is so commonplace in the healthcare industry and by government health agencies that it requires no clarification. Similarly, the phrase “carcinogenic hazard” is self-explanatory and simply refers to an agent that is capable of causing cancer under some circumstances.
3. The meaning of the phrase “negligible and ‘too small to matter’ biologically” also is practically self-explanatory. The phrase simply means ‘a level which is insufficient for having any significant biological effect.’
4. The phrase “non-linear biological effects” refers to a complete absence of a proportion between a cause and its biological effect. In other words, the magnitude of a biological effect is not linearly dependent upon the magnitudes of its cause(s). Accordingly, a cause which is very small in magnitude can have an effect which is disproportionately large in magnitude.
5. Respondent refers to the phrase “do not, cannot and could not cause non-linear biological effects” as an example among “a series of incomprehensible compound phrases and sentences, which make responding to the discovery requests unreasonably difficult.” Given the basic meaning of the phrase “non-linear biological effects” in Complainants' response II-C-4, supra, the phrase “do not, cannot and could not cause non-linear biological effects” is easily comprehended and certainly does not render PPL's “responding to the discovery requests unreasonably difficult.”

III. COMPLAINANTS' SET II, INTERROGATORIES 37 THROUGH 41

A. COMPLAINANTS' SET II INTERROGATORIES 37 THROUGH 41 AS STATED:

37. Does PPL assert or claim that it is possible to assign a low intensity limit or threshold below which RF exposures are without effect?
38. If PPL's answer to I-37 is in the affirmative, please identify and concisely state all scientifically established facts and objective evidence which PPL alleges and intends to put forth as conclusive evidence in support of that claim.
39. Is PPL aware of any established empirical standard of safety whatsoever that can be objectively applied to decide questions of safety of radiofrequency radiation at exposure levels that are alleged to produce or cause non-thermal biological effects?
40. Please identify any and all scientific safety studies of which PPL is aware as being studies that have specifically investigated wireless smart meters with regard to biological and/or adverse health effects.
41. Please identify any and all scientific safety studies specifically of wireless smart meters that have established conclusive evidence that low-level, modulated radiofrequency radiation, conducted emissions, and/or RF electromagnetic fields produced by or resulting from these devices do not cause, and are not capable of causing, biological or adverse health effects.

B. RESPONDENT'S OBJECTIONS TO INTERROGATORIES 37 THROUGH 41:

15. The Company objects to Complainants-II-37 through 41 on the grounds that the requests are vague, incomprehensible, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.
16. The interrogatories use a number of vague and undefined terms, such as “low intensity limit,” “empirical standard of safety,” and “scientific safety studies.” Without clarification as to the meaning of these terms, PPL Electric cannot reasonably provide a complete and accurate response.
17. Moreover, these lengthy interrogatories weave a series of incomprehensible compound phrases and sentences, which make responding to the discovery requests unreasonably difficult. For example, Question No. 41 contains the following phrase: “conclusive evidence that low-level, modulated radiofrequency radiation, conducted

emissions, and/or RF electromagnetic fields produced by or resulting from these devices do not cause, and are not capable of causing, biological or adverse health effects.”

18. Further, Question Nos. 40 and 41 are overly broad and unduly burdensome because they request PPL Electric to identify “any and all scientific safety studies” in existence pertaining to the subjects described in those interrogatories. However, PPL Electric only can be reasonably asked to identify the studies upon which the Company’s expert witnesses specifically rely on in their expert testimony and exhibits in this proceeding.
19. For these reasons, these interrogatories are vague, incomprehensible, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

C. COMPLAINANTS' RESPONSES TO PPL'S OBJECTIONS TO INTERROGATORIES 37 THROUGH 41:

1. The phrase “low intensity limit” objected to by Respondent in Respondent's Objection No. 16, supra, is restated as a minimum “threshold.” It also is obvious from the context of Interrogatory No. 37 that the term, “intensity,” refers to levels of RF exposure. The meaning of the phrase “low intensity limit” is thus readily and directly understood from the context of the very interrogatory in which it appears, and no further clarification is necessary.
2. The phrases “empirical standard of safety” and “scientific safety studies” are basic and sufficiently clear in meaning as to require no further explication. It is exceedingly dubious for PPL Electric to claim that it “cannot reasonably provide a complete and accurate response” without further “clarification as to the meaning of these terms.”
3. Complainants' Interrogatory No. 41 contains the following phrase: “conclusive evidence that low-level, modulated radiofrequency radiation, conducted emissions, and/or RF electromagnetic fields produced by or resulting from these devices do not cause, and are not capable of causing, biological or adverse health effects.” PPL objects to this question, claiming that the phraseology used for its expression is “incomprehensible” and makes responding to Complainants' discovery requests “unreasonably difficult.” Interrogatory No. 41 certainly is not incomprehensible. Its meaning is quite clear and can be readily understood by careful reading. The principal difficulty for PPL with regard to Interrogatory 41 is not that the interrogatory itself is

incomprehensible or unreasonably difficult, but that PPL Electric should have to respond to this interrogatory at all.

4. Respondent's claim that Interrogatory Nos. 40 and 41 "request PPL Electric to identify 'any and all scientific safety studies' in existence pertaining to the subjects described in those interrogatories" is misleading. Interrogatory No. 40. certainly does not in any respect "request PPL Electric to identify 'any and all scientific safety studies' in existence." Rather, Interrogatory No. 40 simply requests PPL to identify any and all scientific safety studies "of which PPL is aware" and which pertain specifically to smart meters, while Interrogatory No. 41 requests PPL to "identify any and all scientific safety studies specifically of wireless smart meters ..." which would constitute a subset of studies satisfying the specified criteria. However, because there are no scientific safety studies specifically of wireless smart meters that have been reported in the research literature to date, PPL should have little difficulty in answering Interrogatory Nos. 40 and 41. PPL likely has been aware of this lack of safety studies specifically of wireless smart meters. Otherwise, previous cases in the litany of cases brought before the PA PUC concerning smart meters would have been argued on the basis of safety studies actually done on smart meters rather than on cell phones.

IV. COMPLAINANTS' SET II, INTERROGATORIES 70 THROUGH 72 AND 74 THROUGH 81

A. COMPLAINANTS' SET II INTERROGATORIES 70 THROUGH 72 AND 74 THROUGH 81 AS STATED:

70. In accordance with 52 Pa. Code § 57.28(a)(1): "An EDC must use reasonable efforts to properly warn and protect the public from danger and to exercise reasonable care to reduce the hazards to which customers may be subjected to by reason of the EDC's provision of electric utility service and its associated equipment and facilities."

Please state whether PPL has ever informed the public of the hazards, risks, potential risks, or increased risks to public health and safety associated with its AMI wireless smart meters and smart meter technology.

71. Please state whether the Pennsylvania Public Utility Commission has ever informed the public of the hazards, risks, potential risks, or increased risks to public health and safety associated with PPL's AMI wireless smart meters and smart meter technology.

72. Please state whether the State of Pennsylvania or any official agency of the State has ever informed the public of the hazards, risks, potential risks, or increased risks to public health and safety associated with PPL's deployment and operation of AMI wireless smart meters and smart meter technology.

74. Please state whether PPL has fully and properly informed customers and the public of the risks to their privacy and data security through the sophisticated collection, transmission, use and/or potential use of their electricity consumption data by means of PPL's wireless smart meter devices and technology.

75. Please state whether the Pennsylvania Public Utility Commission has fully and properly informed the public of the risks to their privacy and data security through the sophisticated collection, transmission, use and/or potential use of their electricity consumption data by means of PPL's wireless smart meter devices and technology.

76. Please state whether or not the Pennsylvania Public Utility Commission is authorized to impose a sanction or penalty upon PPL if PPL were to not install wireless smart meters on the homes of customers who do not consent to them.

77. If PPL's answer to I-76 is in the affirmative, please specify in detail the nature of any such sanction or penalty.

78. Please state whether or not the imposition of a sanction or penalty upon PPL, if PPL were to not install wireless smart meters on the homes of customers who do not consent to them, is discretionary on the part of the Pennsylvania Public Utility Commission.

79. If PPL's answer to I-78 is in the affirmative, please specify in detail the nature of any such sanction or penalty.

80. Please state whether or not Pennsylvania law requires that a specific sanction or penalty be imposed upon PPL Electric Utilities by the Pennsylvania Public Utility Commission if PPL were to not install wireless smart meters on the homes of customers who do not consent to them.

81. If PPL's answer to I-80 is in the affirmative, please specify in detail the nature of any such sanction or penalty.

B. RESPONDENT'S OBJECTIONS TO INTERROGATORIES 70 THROUGH 72 AND 74 THROUGH 81:

22. The Company objects to Complainants-II-70 through 72 and 74 through 81 on the grounds that the requests are argumentative, are speculative, assume facts not in evidence, and improperly seek legal opinions.
23. These interrogatories improperly [sic] legal opinions, including on the Company's compliance with the Commission's regulations and the Commission's authority and discretion to impose sanctions and penalties. The Company's witnesses are not lawyers who can provide legal opinions. Further, discovery is intended for the discovery of facts and evidence that may be presented at the evidentiary hearing, not the legal opinions of the Company's attorneys that are protected by attorney-client privilege and the attorney work product doctrine. Rather, PPL Electric's legal arguments will be set forth in its closing argument and its briefs, if any, that are submitted in this proceeding.
24. Further, Question Nos. 76 through 81 ask the Company to speculate as to what sanctions or penalties, if any, the Commission would impose on PPL Electric if it were not to install AMI meters.
25. In addition, Question Nos. 70, 71, 72, 74, and 75 are argumentative and assume facts not in evidence. These requests are not formulated as to the discovery of facts. Rather, they would require the Company's witnesses to assume that there are "hazards" or "risks" posed by the AMI meters, and then to state whether the public has been informed of those risks.
26. For these reasons, these interrogatories are argumentative, are speculative, assume facts not in evidence, and improperly seek legal opinions.

C. COMPLAINANTS' RESPONSES TO PPL'S OBJECTIONS TO INTERROGATORIES 70 THROUGH 72 AND 74 THROUGH 81:

1. It is neither PPL's witnesses nor the company's attorneys, but PPL itself which has threatened to terminate Complainants' access to electric service. Accordingly, Complainants have filed a complaint against PPL and not against their attorneys or witnesses. And by means of these interrogatories, Complainants seek answers from PPL and not from their attorneys or witnesses. Complainants are not improperly seeking legal opinions, because Complainants are not seeking legal opinions of

Respondent or of anyone associated with Respondent. Complainants, by means of their interrogatories are seeking only facts and the truth, insofar as truth in this proceeding may be derived from the facts discovered.

2. Respondent, PPL, claims that “Question Nos. 76 through 81 ask the Company to speculate as to what sanctions or penalties, if any, the Commission would impose on PPL Electric if it were not to install AMI meters.” Interrogatory No. 76 does not ask Respondent to speculate with regard to what sanctions the Commission would impose on PPL Electric. Interrogatory No. 76 asks PPL to state simply whether or not the Commission is authorized to impose a sanction or penalty upon PPL under the given circumstance. Either the Commission is so authorized, or it is not. For PPL Electric to answer this interrogatory is simply to state a fact. Interrogatory Nos. 78 and 80 also do not ask Respondent to speculate with regard to what sanctions the Commission would impose on PPL Electric. Interrogatory Nos. 78 and 80 seek to ascertain whether or not the imposition of a sanction or penalty upon PPL by the Commission under the given circumstances is required by state law. If such is not required by state law, then the imposition of a sanction or penalty upon PPL under the given circumstances is discretionary on the part of the Commission. Either it is the case, or it is not the case that the imposition of a sanction or penalty by the Commission under the given circumstances is required by state law. For PPL Electric to answer these interrogatories in the affirmative or negative is simply to make statements of fact. PPL undoubtedly knows, or at least should know, the answers to Interrogatory Nos. 76, 78 and 80. PPL therefore is requested to provide answers to these interrogatories and to so state if it does not know the answers.
3. Interrogatory Nos. 77, 79 and 81 also are not speculative. These interrogatories do not ask PPL to state what specific penalties or sanctions would be imposed upon PPL under the specified circumstances. Rather, in the cases that sanctions or penalties are authorized or required pursuant to state law, these interrogatories ask Respondent to specify what sanctions or penalties are permitted and/or required, and to which PPL is subject, in accordance with such law. PPL undoubtedly knows, or at least should know, the answers to Interrogatory Nos. 77, 79 and 81. PPL therefore is requested to provide answers to these interrogatories and to so state if it does not know the answers.
4. It is undeniably a fact that “The WHO/International Agency for Research on Cancer (IARC) has classified radiofrequency electromagnetic fields as possibly carcinogenic to humans (Group 2B), based on an *increased risk* for glioma, a malignant type of brain cancer, associated with wireless phone use” and that “the evidence, while still accumulating, is strong enough to support a conclusion and the 2B classification.” It

also is a scientifically established fact that the final report of the U.S. NIH/NIEHS/NTP Study published findings of “clear evidence” that radiofrequency radiation emitted by cell phones can cause and does cause cancers in mammals. RF radiation is therefore a biological hazard. It is also a fact that IARC's Group 2B classification applies to *all* radiofrequency radiation, regardless of source and regardless of dosage level. Because PPL's wireless smart meters produce radiofrequency radiation, there is a risk associated with exposure to RF radiation emitted by the company's smart meters. These are facts which, in accordance with 52 Pa. Code § 57.28(a)(1), legally obligate PPL Electric Utilities to properly warn and protect the public and to exercise reasonable care to reduce hazards. Interrogatory No. 70 asks whether Respondent, PPL, has ever acted to carry out its statutorily mandated obligation to inform and protect the public with regard to any hazard or risk associated with its wireless smart meter devices and technology. Instead of objecting to Complainants' Interrogatory Nos. 70, 71, 72, 74, and 75, given the facts stated in this response concerning the hazards and risks associated with exposure to radiofrequency radiation, it is morally and ethically, if not yet legally, incumbent upon PPL to verify for itself the factuality of Complainants' claims.

V. CONCLUSION

Complainants are guaranteed protection from any and all actions by the State and/or its agents which would abridge and deprive Complainants of their rights, under the Pennsylvania Constitution and the laws and Constitution of the United States, to protect and defend themselves, their health, and their property.

Acting under color of law and by means of coercion, Respondent, PPL Electric Utilities, has threatened, and continues to threaten, Complainants with termination of their access to electric service in order that Complainants' grant permission for the company to install on their homes devices which produce radiofrequency radiation and RF electromagnetic fields. If installed, these devices thereafter would irradiate Complainants in perpetuity with highly pulsed, modulated radiofrequency radiation emanating from and through the very walls of their homes. These devices also would increase Complainants' exposure to RF electromagnetic fields inside their homes.

Indeed, if Respondent, PPL, ever had been required, pursuant to 66 PA.C.S. §315 (c), to meet its burden of rigorously proving or showing specifically that its wireless smart meter devices and facilities are in fact safe, the instant proceedings never would have become necessary.

It is therefore not Respondent, PPL, which is the party that is overly burdened in this case; it is the Complainants who are thus burdened.

Accordingly this Court should dismiss Respondent's objections and compel Respondents to answer Complainants' Interrogatories and Request for Production of Documents (SET II).

CERTIFICATE OF SERVICE

We hereby certify that true and correct copies of *Motion to Dismiss PPL Electric Utilities Corporation Objections, and to Compel Answers, to Complainants' Interrogatories and Request for Production of Documents, Set II*, have 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: October 15, 2019


