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File #: 167945

October 23, 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: John and Janet Holder & June Maculesky v. PPL Electric Utilities Corporation**  
**Docket Nos. F-2019-3008809 and F-2019-3008832**

Dear Secretary Chiavetta:

Enclosed for filing is the Answer of PPL Electric Utilities Corporation to the Motion of John and Janet Holder and June Maculesky to Dismiss Objections and Compel Answers to Interrogatories and Request for Production of Documents in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Devin Ryan

DTR/jl  
Enclosures

cc: Certificate of Service  
Honorable Elizabeth Barnes

**CERTIFICATE OF SERVICE**

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

**VIA FIRST CLASS MAIL**

June Maculesky  
1823 Butztown Road  
Bethlehem, PA 18017

Janet Holder  
(POA for June Maculesky)  
2424 Lafayette Avenue  
Bethlehem, PA 18017

John & Janet Holder  
2424 Lafayette Avenue  
Bethlehem, PA 18017

Date: October 23, 2019



Devin T. Ryan

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

John and Janet Holder and June Maculesky,	:	
	:	
	:	
Complainants,	:	
	:	Docket Nos. F-2019-3008809
v.	:	F-2019-3008832
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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**ANSWER OF PPL ELECTRIC UTILITIES CORPORATION TO THE  
MOTION OF JOHN AND JANET HOLDER AND JUNE MACULESKY TO  
DISMISS OBJECTIONS AND COMPEL ANSWERS TO INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF DOCUMENTS (SET II)**

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**TO ADMINISTRATIVE LAW JUDGE ELIZABETH H. BARNES:**

Pursuant to 52 Pa. Code § 5.342(g)(1), PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby files this Answer to the Motion of John and Janet Holder and June Maculesky (“Complainants”) to Dismiss PPL Electric’s Objections and Compel Answers to Interrogatories and Requests for Production of Documents (Set II) (“Motion to Compel” or “Motion”). As explained herein, Administrative Law Judge Elizabeth H. Barnes (the “ALJ”) should deny the Complainants’ Motion because it is without merit and is moot. PPL Electric properly objected to Question Nos. 1-5, 25-41, 70-72, and 74-81 of the second set of discovery (“Complainants Set II”) on the grounds that they are vague, speculative, incomprehensible, overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence as well as assume facts not in evidence and improperly seek legal opinions.

Notwithstanding, in the interest of compromise and administrative efficiency, PPL Electric served responses to all of Complainants Set II on October 15, 2019. Thus, the Complainants' Motion is moot.

In support of its Answer, PPL Electric states as follows:

**I. INTRODUCTION**

1. On September 21, 2019, the Complainants served Complainants Set II on PPL Electric via class mail only.<sup>1</sup> A true and correct copy of Complainants Set II is attached as **Appendix A**.

2. On October 4, 2019, PPL Electric timely served its Objections to Complainants Set II. Specifically, PPL Electric objected to Question Nos. 1-5, 25-41, 70-72, and 74-81. Although PPL Electric served Objections, the Company stated in its Objections that it would provide responses to all of the Complainants' discovery requests, subject to and without waiver of its Objections, in the interest of compromise and administrative efficiency. A true and correct copy of PPL Electric's Objections is attached as **Appendix B**.

3. On October 15, 2019, PPL Electric timely served its Answers to all of the interrogatories in Complainants Set II. A true and correct copy of the letter and certificate of service for these Answers is attached as **Appendix C**.

4. Also on October 15, 2019, the Complainants filed a Motion to Dismiss Objections and Compel Answers to Complainants Set II.<sup>2</sup>

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<sup>1</sup> Because the discovery requests were served by first class mail, three days were added to the deadlines for objections and answers. *See* 52 Pa. Code § 1.56(b).

<sup>2</sup> Because the Motion was served by first class mail only, three days were added to the deadline for PPL Electric to file an Answer to the Motion to Compel. *See* 52 Pa. Code § 1.56(b). Therefore, this Answer is timely filed. *See id.* §§ 1.56(b), 5.342(g)(1).

5. 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. *Id.*

6. As noted by the Superior Court of Pennsylvania, “While discovery should be liberally allowed, ‘fishing expeditions’ are not to be countenanced under the guise of discovery.” *Land v. State Farm Mutual Ins. Co.*, 600 A.2d 605, 608 (Pa. Super. 1991) (emphasis added).

7. “[T]he standard for discovery is relevance, not curiosity.” *Pa. PUC v. Pennsylvania-American Water Co.*, Docket Nos. R-2011-2232243, *et al.*, at 22 (July 21, 2011) (Order on Motion to Compel).

8. For the reasons stated in more detail below, PPL Electric respectfully requests that the ALJ deny Complainants’ Motion to Compel.

## **II. COMPLAINANTS’ MOTION TO COMPEL RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS (SET II) SHOULD BE DENIED**

### **A. OBJECTIONS TO COMPLAINANTS-II-1 THROUGH 5**

9. Complainants Set II, Question No. 1 through 5 request the following:

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 1-2 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 1-3 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 1-4, 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.

10. The Company objected 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.

11. The interrogatories use a number of vague and undefined terms, such as “fully independent,” “completely without conflicts of interest,” “completely counter, negate or nullify the positive findings,” “genuine attempts to replicate,” “faithfully and precisely followed,” “modeled positive study,” and “negative or inconclusive results.”

12. 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.”

13. In their Motion, the Complainants do not provide the necessary clarifications about these interrogatories and simply aver that the interrogatories are self-explanatory and that PPL Electric should understand what the Complainants mean. (Motion, pp. 3-4.)

14. Although these interrogatories may be clear to the Complainants, the fact remains that many of these terms are vague and incomprehensible to PPL Electric. For example, the Company and the Complainants may have differing views of what findings that “completely counter, negate or nullify positive findings” or what studies are “fully independent” and were “genuine attempts to replicate.”

15. 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.

16. In their Motion, the Complainants contend that the Company should be directed to identify the studies upon which its expert witnesses rely in forming their opinions and rebutting the Complainants’ allegations. (Motion, pp. 4-5.)

17. Therefore, as stated in the Company’s Objections, 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.

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

19. Notwithstanding, in the interest of compromise and administrative efficiency, PPL Electric served answers to these interrogatories subject to and without waiver of these Objections. *See Appendix C.*

20. Thus, the Complainants’ Motion regarding these Objections is moot.

B. **OBJECTIONS TO COMPLAINANTS-II-25 THROUGH 36**

21. Complainants Set II, Question Nos. 25 through 36 requests the following:

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 1-25 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 1-27 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 1-29 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 1-31 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 1-33 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 1-35 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.

22. The Company objected 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.

23. The interrogatories use a number of vague and undefined terms, such as “sub-thermal,” “non-linear biological effects,” “‘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.

24. 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.”

25. The Complainants provide some clarification as to these interrogatories in their Motion and, for other portions of the interrogatories, assert that the interrogatories are self-explanatory and utilize commonplace terminology. (Motion, p. 7.)

26. Although these interrogatories may be clear to the Complainants, the fact remains that many of these terms are vague and incomprehensible to PPL Electric. For example, the

Company and the Complainants may have differing views of what the term “sub-thermal” and “biological hazard” mean.

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

28. Notwithstanding, in the interest of compromise and administrative efficiency, PPL Electric served answers to these interrogatories subject to and without waiver of these objections. *See Appendix C.*

29. Thus, the Complainants’ Motion regarding these Objections is moot.

C. **OBJECTIONS TO COMPLAINANTS-II-37 THROUGH 41**

30. Complainants Set II, Question Nos. 37 through 41 request the following:

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 1-37 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.

31. The Company objected 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.

32. 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.

33. 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.”

34. In their Motion, the Complainants allege that these interrogatories are comprehensible and use terms that are self-explanatory. The Complainants also provide clarification that the term “lower intensity limit” should be restated as “a minimum ‘threshold’” and “refers to levels of RF exposure.” (Motion, pp. 9-10.)

35. Although these interrogatories may be clear to the Complainants, the fact remains that many of these terms are vague and incomprehensible to PPL Electric. For example, the Company and the Complainants may have differing views of what “empirical standard of safety” and “scientific safety studies” mean.

36. Further, Question No. 41 is overly broad and unduly burdensome because it requests PPL Electric to identify “any and all scientific safety studies” in existence pertaining to

the subjects described in that interrogatory. 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.

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

38. Notwithstanding, in the interest of compromise and administrative efficiency, PPL Electric served answers to these interrogatories subject to and without waiver of these objections. *See* Appendix C.

39. Thus, the Complainants' Motion regarding these Objections is moot.

D. **OBJECTIONS TO COMPLAINANTS-II-70 THROUGH 72 AND 74 THROUGH 81**

40. Complainants Set II, Question Nos. 70 through 72 and 74 through 81 request the following:

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.

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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 1-76 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 1-78 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 1-80 is in the affirmative, please specify in detail the nature of any such sanction or penalty.

41. The Company objected 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.

42. These interrogatories explicitly request legal opinions and conclusions, including on the Company's compliance with the Commission's regulations and the Commission's authority and discretion to impose sanctions and penalties.

43. 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.

44. The Complainants claim that their questions ask about "facts and the truth" and do not request legal opinions or conclusions. Further, they assert that PPL Electric should know the answers to these questions. (Motion, pp. 12-13.)

45. The problem is not that there is no response to the Complainants' legal questions. The issue is that the answers to those legal questions are not discoverable.

46. As explained in PPL Electric's Objections, 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.

47. The Complainants can conduct their own legal research and analysis and are not permitted to use discovery as a means by having PPL Electric do that for them.

48. Moreover, the Complainants confusingly allege that they are not seeking answers from the Company's witnesses or attorneys but from PPL Electric itself. (Motion, p. 12.)

49. It is axiomatic, and in fact legally required, that a person provide the response to an interrogatory and attest to the veracity of the information set forth in that response. *See* 52 Pa. Code § 5.342(a)(2) (stating that the answer must "[i]dentify the name and position of the individual who provided the answer").

50. 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.

51. The Complainants fail to deny that these interrogatories are argumentative and assume facts not in evidence. Rather, they maintain that these allegations are "undeniabl[e]" and "scientifically established." Furthermore, they assert that PPL Electric should be able to state whether it complied with Section 57.28(a)(1) of the Commission's regulations. (Motion, pp. 13-14.)

52. The Complainants' assertions in their Motion actually affirm, rather than refute, that these interrogatories are argumentative and assume facts not in evidence.

53. The Complainants clearly are asking the Company to assume their allegations are true and to provide responses based upon those assumptions. Furthermore, the Complainants' interrogatories are written in a manner that argues with PPL Electric over whether it complied with the Commission's regulations, rather than simply requesting that the Company provide facts relevant to that determination.

54. For these reasons, these interrogatories are argumentative, are speculative, assume facts not in evidence, and improperly seek legal opinions.

55. Notwithstanding, in the interest of compromise and administrative efficiency, PPL Electric served answers to these interrogatories subject to and without waiver of these objections. *See* Appendix C.

56. Thus, the Complainants' Motion regarding these Objections is moot.

**III. CONCLUSION**

For the reasons set forth above, PPL Electric Utilities Corporation respectfully requests that Administrative Law Judge Elizabeth H. Barnes deny John and Janet Holder and June Maculesky's Motion to Dismiss Objections and Compel Answers to Interrogatories and Requests for Production of Documents (Set II), as set forth above.

Respectfully submitted,



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Date: October 23, 2019

Attorneys for PPL Electric Utilities Corporation

# APPENDIX “A”

**INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS  
PROPOUNDED BY COMPLAINANTS ON PPL ELECTRIC UTILITIES CORPORATION  
— SET II**

Pursuant to 66 Pa.C.S. § 333 and 52 Pa. Code §§ 5.341 et seq., Complainants propound the following Interrogatories and Requests for Production of Documents PPL Electric Utilities Corporation (“Respondents”) — Set II.

Please provide answers to this discovery request within twenty (20) days of the date of service, pursuant to 52 Pa. Code § 5.342.

Complainants to PPL:

**I-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?

**I-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?

**I-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.

**I-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.

**I-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.

**I-6.** Does PPL assert that the FCC presently claims, or that the FCC has ever claimed, that the FCC's RF exposure guidelines protect human beings not only from effects of a thermal mechanism, but also are protective from harm by **any and all** other possible mechanisms?

**I-7.** Does PPL assert that the FCC presently claims, or that the FCC has ever claimed, that exposure to radiofrequency radiation is safe with regard to physiological changes by physical processes other than heating, acute burning, or electric shock?

**I-8.** If PPL's response to I-6 or I-7 is in the affirmative, please concisely state by citing the evidentiary, factual basis which PPL intends to put forth to **conclusively** establish such claims.

**I-9.** Does PPL itself assert or claim that the FCC's current safety guidelines setting permissible levels of exposure to radiofrequency radiation are protective against **all possible mechanisms** of interaction between RF and biological systems?

**I-10.** If PPL's answer to I-9 is in the affirmative, please identify all scientific research studies and concisely state all objective facts which PPL alleges and intends to put forth as **conclusive** evidence in support of its claim.

**I-11.** Does PPL assert or claim that the FCC's current RF exposure guidelines apply to, and are protective in, chronic, non-thermal exposure situations?

**I-12.** If PPL's answer to I-11 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.

**I-13.** Does PPL assert or claim that its AMI wireless smart meter devices are safe primarily because they are compliant with the Federal Communications Commission's radiofrequency (RF) exposure standards?

**I-14.** Does PPL assert or claim that biological and/or adverse health effects do not, and cannot, occur as a result of exposure to RF at levels below the FCC safety guidelines?

**I-15.** If PPL's answer to I-14 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.

**I-16.** Does PPL assert or claim that it is not reasonable to doubt that chronic, day-and-night, long-term exposure to the radiofrequency radiation and RF electromagnetic fields produced by wireless smart meters is safe?

**I-17.** If PPL's answer to I-16 is in the affirmative, please concisely and fully state the basis and reasons for such a claim.

**I-18.** Please identify and concisely state all scientifically established facts and objective evidence which PPL alleges and intends to put forth as **conclusive** evidence that **chronic, continual, day-and-night, long-term exposure** to radiofrequency radiation is safe.

**I-19.** Please identify and concisely state all scientifically established facts and objective evidence which PPL alleges and intends to put forth as **conclusive** evidence that chronic, continual, day-and-night, long-term exposure to modulated radiofrequency radiation is safe.

**I-20.** Please identify and concisely state all scientifically established facts and objective evidence which PPL alleges and intends put forth as **conclusive** evidence that chronic, continual, day-and-night, long-term exposure to highly pulsed radiofrequency radiation is safe.

**I-21.** Please identify and concisely state all scientifically established facts and objective evidence which PPL alleges and intends to put forth as **conclusive** evidence that chronic, continual, day-and-night, long-term exposure to RF electromagnetic fields is safe.

**I-22.** Please identify and concisely state all scientifically established facts and objective evidence which PPL alleges and intends to put forth as **conclusive** evidence that chronic, continual, day-and-night, long-term exposure to radiofrequency radiation and/or RF electromagnetic fields produced by wireless smart meter devices is safe.

**I-23.** Please identify and concisely state all scientifically established facts and objective evidence which PPL alleges and intends to put forth as **conclusive** evidence that chronic, continual, day-and-night, long-term exposure to highly-pulsed, modulated radiofrequency radiation and/or RF electromagnetic fields at levels produced by its wireless smart meter devices is safe.

**I-24.** Please identify and concisely state all scientifically established facts and objective evidence which PPL alleges and intends to put forth as **conclusive** evidence that chronic, continual, day-and-night, long-term exposure to highly pulsed, modulated radiofrequency radiation produced in aggregate by PPL's wireless mesh network is safe.

**I-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?

**I-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.

**I-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?

**I-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.

**I-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?

**I-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.

**I-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?

**I-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.

**I-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?

**I-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.

**I-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"?

**I-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.

**I-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?

**I-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.

**I-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?

**I-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.

**I-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.

**I-42.** If PPL asserts or claims that its AMI wireless smart meters and network facilities are completely safe, please state whether the safety that PPL alleges has been established on the basis of studies done specifically on its smart meter devices and network facilities themselves.

**I-43.** In a prior case brought before the Pennsylvania Public Utility Commission, Dr. Mark Israel "testified that there is no reliable medical basis to conclude that radio frequency fields associated with AMI devices could cause, contribute to or aggravate any adverse health effects." (*Susan Kreider v. PECO Energy.*)

If PPL concurs with that testimony by Dr. Israel, please identify and concisely state all scientifically established, biomedical facts and objective evidence which PPL alleges and intends to put forth as a **conclusive and reliable** medical basis for such a claim.

**I-44.** PPL is on record as having put forth the argument attesting that:

"RF fields are part of the lower energy, non-ionizing portion of the electromagnetic spectrum which consists of lower frequency signals that do not have enough energy to break chemical bonds in cells or DNA. PPL Electric Statement No. 1 at 5-6." (*Alan V. Schmukler v. PPL Electric Utilities Corporation*, Findings of Fact No. 47.)

Please identify and concisely state all scientifically established facts and objective evidence which PPL alleges and intends to put forth as **conclusive** evidence that:

- (1) its **assumption** that non-ionizing, RF radiation does not have enough energy to break chemical bonds in DNA is true in fact, and
- (2) the implied inference, that RF radiation and fields cannot damage DNA, is also true in fact.

**I-45.** "PPL contends radiofrequency fields are **always** non-ionizing, **non-carcinogens**. PPL Electric Statement No. 1 at 16-17." (See *Schmukler v. PPL Electric Utilities Corporation.*) (Emphasis added.)

Please identify and concisely state all scientifically established, biomedical facts and objective evidence which PPL alleges and intends to put forth as **conclusive** evidence in support of such a claim.

**I-46.** Does PPL assert or claim that non-ionizing radiation cannot cause cancer or other health effects other than tissue heating?

**I-47.** If PPL's answer to I-46 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.

**I-48.** Does PPL dispute the determination by the International Agency for Research on Cancer (IARC) that there is sufficiently strong evidence to support a conclusion that there is increased risk of cancer associated with exposure to non-ionizing, radiofrequency radiation?

**I-49.** Does PPL dispute the findings, published in the triple-peer-reviewed, final report of the U.S. NIH/NIEHS/National Toxicology Program, of "**clear evidence**" of causation of certain cancers by exposure to non-ionizing, radiofrequency radiation?

**I-50.** Does PPL dispute the findings, published in the triple-peer-reviewed, final report of the U.S. NIH/NIEHS/National Toxicology Program, of DNA damage to brain cells of test animals exposed to non-ionizing, radiofrequency radiation?

**I-51.** If PPL's response to any of I-48 , I-49 or I-50 is in the affirmative, please fully and concisely state the basis and reasons for any such dispute(s).

**I-52.** PPL is on record as having put forth the claim attesting that:

"IEI and the variety of symptoms attributed to it are not caused by exposure to RF fields. PPL Electric Statement No. 2 at 9-11." (*Alan V. Schmukler v. PPL Electric Utilities Corporation*, Findings of Fact No. 70.)

As the term 'idiopathic' means 'of unknown cause', please state precisely how PPL, or anyone, can be certain that any of the variety of symptoms attributed to IEI are not, and could not be, caused by environmental exposure to RF radiation and/or RF fields. Also, please identify all scientific research and concisely state all scientifically established, biomedical facts and objective evidence which PPL alleges and intends to put forth as **conclusive** evidence in support of such a claim.

**I-53.** PPL is on record as having put forth the following claim, attesting that:

"The new smart meter does not generate electrical power, does not produce additional harmonics over and above what is already coming into the meter, and does not interfere with the operation of house wiring. C Exhibit 26, Tr. 41-42, 55-74, 102, PPL Electric Statement No. 1 at 11" (*Alan V. Schmukler v. PPL Electric Utilities Corporation*, Findings of Fact No. 57.)

As a 'switching mode power supply' (SMPS) is a standard component in every AMI wireless smart meter, please verify and provide all information and device characteristics data which PPL alleges and intends to put forth as conclusive evidence in support of its claim that high-frequency voltage transients (harmonics) are not produced by the operation of its smart meters, and in particular, by the operation of the SMPS in each of its smart meters. Moreover, please provide all information which PPL alleges and intends to put

forth as conclusive evidence in support of the claim that its smart meters do not themselves, as a result of their operation, introduce high-frequency voltage transients, or harmonics, into house wiring.

**I-54.** Please state whether, in **any** proceeding upon the motion of the Pennsylvania Public Utility Commission, PPL has **ever** been required, pursuant to 66 PA.C.S. §315 (c), to prove or show specifically that its wireless smart meter devices and facilities are in fact safe.

**I-55.** If PPL's answer to I-54 is in the affirmative, please precisely identify the particular proceeding and state the date on which such proceeding officially took place. Please also describe in detail exactly how and upon what evidence in particular PPL met its burden of proof of the safety of its wireless smart meter devices and facilities.

**I-56.** Please state whether, in **any** proceeding upon the motion of the Pennsylvania Public Utility Commission, PPL has **ever** been required, pursuant to 66 PA.C.S. §315 (c), to prove or show specifically that its wireless smart meter mesh network in aggregate is in fact safe.

**I-57.** If PPL's answer to I-56 is in the affirmative, please precisely identify the particular proceeding and state the date on which such proceeding officially took place. Please also describe in detail exactly how and upon what evidence in particular PPL met its burden of proof of the safety of its wireless smart meter mesh network in aggregate.

**I-58.** Please state whether PPL's AMI wireless smart meters physically exceed the specified limits established by the FCC for Class A and Class B devices with regard to conducted emissions.

**I-59.** UL 2735 compliance is **not** the same as 'UL 2735 Listed'. UL compliance means that the individual components of a device are sourced from manufacturers that have obtained 'UL Listed' status, but that the device as a whole is not necessarily 'UL Listed'.

Please state whether or not the Landis+Gyr AMI smart meters deployed by PPL are 'UL 2735 **Listed**'.

**I-60.** Please state whether, as new applications and functionality are added to the communication modules in PPL's wireless smart meters in the future, the meters' duty cycles will increase correspondingly.

**I-61.** Please state whether the transmission frequency of PPL's AMI wireless smart meters within its mesh network can vary substantially. Please also state whether variation in transmission frequency can depend largely on the locations of the meters within the network.

**I-62.** Please state whether the transmission frequency of PPL's AMI wireless smart meters can or will vary according to their relative locations or distances from other meters or data communication facilities in PPL's mesh network.

**I-63.** Please state whether or not the transmission frequency and RF field density and emission characteristics of PPL's AMI wireless smart meters have been independently tested such that the numerical values previously provided by PPL for these characteristics have been independently verified.

**I-64.** Please state whether PPL can assert with certainty that its AMI wireless smart meters and smart meter technology do not constitute a hazard to public health and safety.

**I-65.** Please state whether PPL can assert with certainty that its AMI wireless smart meters and smart meter technology are without potential risk to public health and safety.

**I-66.** Please state whether PPL can assert with certainty that its AMI wireless smart meters and smart meter technology are without significant and substantive risk and/or increased risk to public health and safety.

**I-67.** Please state whether PPL can assert with scientific certainty that the risk to public health and safety posed by its AMI wireless smart meters and smart meter networks is negligible or too small to matter.

**I-68.** Please state whether PPL has ever assessed the impact upon public health and safety of the increased aggregate environmental RF radiation burden resulting from added exposure to its wireless smart meter mesh network.

**I-69.** Please state whether a public health and safety impact study of PPL's AMI wireless smart meters and smart meter technology has ever been conducted by any official agency of the Commonwealth of Pennsylvania or by anyone else either before, during, or after the Commission-mandated, statewide implementation and deployment of this technology.

**I-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.

**I-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.

**I-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.

**I-73.** Please specify precisely what customer data points are measured, calculated, collected, stored, and transmitted by PPL's wireless smart meter devices. Also, please provide a complete, detailed listing of all such data points broken down according to these categories.

**I-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.

**I-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.

**I-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.

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

**I-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.

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

**I-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.

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

**I-82.** Please identify each person PPL plans 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.

**I-83.** Please identify each person PPL plans 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.

**I-84.** Please provide copies of all exhibits PPL intends to present or utilize at the evidentiary hearing in this proceeding. For each exhibit to be used as part of PPL's direct case, please identify the witness who will be sponsoring the exhibit.

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# **APPENDIX “B”**



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Devin Ryan

dryan@postschell.com  
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717-731-1981 Direct Fax

October 4, 2019

*VIA FIRST CLASS MAIL*

John & Janet Holder  
2424 Lafayette Avenue  
Bethlehem, PA 18107

**Re: John and Janet Holder & June Maculesky v. PPL Electric Utilities Corporation**  
**Docket No. F-2019-3008809 and F-2019-3008832**

Dear Sir or Madam:

Enclosed are the Objections of PPL Electric Utilities Corporation to the Interrogatories of John and Janet Holder and June Maculesky (Set II), Nos. 1-5, 25-41, 70-72, and 74-81 in the above-referenced proceeding. Copies will be provided as indicated in the Certificate of Service.

Sincerely,

Devin Ryan

DTR/dmc  
Enclosure

cc: Rosemary Chiavetta, Secretary (*Letter & Certificate of Service Only*)  
Certificate of Service

**CERTIFICATE OF SERVICE**

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

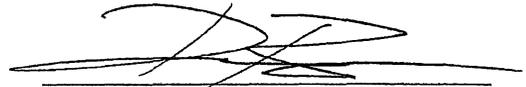
**VIA FIRST CLASS DELIVERY**

June Maculesky  
1823 Butztown Road  
Bethlehem, PA 18017

Janet Holder  
(POA for June Maculesky)  
2424 Lafayette Avenue  
Bethlehem, PA 18017

John & Janet Holder  
2424 Lafayette Avenue  
Bethlehem, PA 18017

Date: October 4, 2019



Devin T. Ryan

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

John and Janet Holder,	:	
	:	
Complainants,	:	
	:	
v.	:	Docket No. F-2019-3008809
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	
	:	
June Maculesky,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. F-2019-3008832
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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**OBJECTIONS OF PPL ELECTRIC UTILITIES CORPORATION TO THE  
INTERROGATORIES OF JOHN AND JANET HOLDER AND JUNE MACULESKY  
(SET II)**

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Pursuant to 52 Pa. Code § 5.342(c), PPL Electric Utilities Corporation (“PPL Electric” or the “Company”), by and through its attorneys, hereby serves these objections to Question Nos. [insert list] of the second set of interrogatories of John and Janet Holder and June Maculesky (“Complainants”) served on September 21, 2019, via first class mail (“Complainants Set II”).<sup>1</sup>

As explained below, PPL Electric objects to Question Nos. 1-5, 25-41, 70-72, and 74-81 on the grounds that they are vague, speculative, incomprehensible, overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence as well as assume facts not in evidence and improperly seek legal opinions.

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<sup>1</sup> Because the discovery requests were served by first class mail, three days were added to the deadlines for objections and answers. *See* 52 Pa. Code § 1.56(b). Thus, these objections are timely served.

Notwithstanding, in the interest of compromise and administrative efficiency, PPL Electric will provide answers to these interrogatories without waiver of and subject to these objections.

In support, PPL Electric states as follows:

**I. SPECIFIC OBJECTIONS**

**A. OBJECTIONS TO COMPLAINANTS-II-1 THROUGH 5**

1. Complainants Set II, Question No. 1 through 5 request the following:

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 1-2 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 1-3 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 1-4, 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.

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.

7. Notwithstanding, in the interest of compromise and administrative efficiency, PPL Electric will provide answers to these interrogatories subject to and without waiver of these objections.

**B. OBJECTIONS TO COMPLAINANTS-II-25 THROUGH 36**

8. Complainants Set II, Question Nos. 25 through 36 requests the following:

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 1-25 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 1-27 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 1-29 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 1-31 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 1-33 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 1-35 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.

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.

13. Notwithstanding, in the interest of compromise and administrative efficiency, PPL Electric will provide answers to these interrogatories subject to and without waiver of these objections.

**C. OBJECTIONS TO COMPLAINANTS-II-37 THROUGH 41**

14. Complainants Set II, Question Nos. 37 through 41 request the following:

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 1-37 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.

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.

20. Notwithstanding, in the interest of compromise and administrative efficiency, PPL Electric will provide answers to these interrogatories subject to and without waiver of these objections.

**D. OBJECTIONS TO COMPLAINANTS-II-70 THROUGH 72 AND 74 THROUGH 81**

21. Complainants Set II, Question Nos. 70 through 72 and 74 through 81 request the following:

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.

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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 1-76 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 1-78 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 1-80 is in the affirmative, please specify in detail the nature of any such sanction or penalty.

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 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.

27. Notwithstanding, in the interest of compromise and administrative efficiency, PPL Electric will provide answers to these interrogatories subject to and without waiver of these objections.

## II. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation objects to Complainants Set II, Question Nos. 1-5, 25-41, 70-72, and 74-81 on the grounds that they are vague, speculative, incomprehensible, overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence as well as assume facts not in evidence and improperly seek legal opinions. Moreover, PPL Electric reserves the right to object to future interrogatories, requests for admissions, and requests for production of documents, including any instructions and definitions contained therein.

Respectfully submitted,



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Date: October 4, 2019

Attorneys for PPL Electric Utilities Corporation

# APPENDIX “C”



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File #: 167945

October 16, 2019

***VIA FIRST CLASS MAIL***

John & Janet Holder  
2424 Lafayette Avenue  
Bethlehem, PA 18107

**Re: John and Janet Holder and June Maculesky v. PPL Electric Utilities Corporation  
Docket Nos. F-2019-3008809, F-2019-3008832**

Dear Sir or Madam:

Enclosed are the Responses of PPL Electric Utilities Corporation ("PPL Electric") to the Interrogatories Propounded by John and Janet Holder and June Maculesky – Set II, in the above-referenced proceeding.

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

Sincerely,



Devin Ryan

DTR/dmc  
Enclosures

cc: Rosemary Chiavetta, Secretary (*Letter & Certificate of Service Only*)  
Certificate of Service

**CERTIFICATE OF SERVICE**

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

**VIA FIRST CLASS MAIL**

June Maculesky  
1823 Butztown Road  
Bethlehem, PA 18017

Janet Holder  
(POA for June Maculesky)  
2424 Lafayette Avenue  
Bethlehem, PA 18017

John & Janet Holder  
2424 Lafayette Avenue  
Bethlehem, PA 18017

Date: October 16, 2019

  
Devin T. Ryan