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December 3, 2019

VIA ELECTRONIC FILING

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

Re: Heidi Fiedler v. Metropolitan Edison Company
Docket No. C-2018-3003642

Dear Secretary Chiavetta:

Enclosed please find the Response of Metropolitan Edison Company to the Motion to Compel of Heidi Fiedler with regard to the above-captioned matter. This document has been served on the Complainant as shown in the Certificate of Service.

Please contact me if you have any questions regarding this matter.

Very truly yours,



Tori L. Giesler

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Enclosures

c: As Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HEIDI FIEDLER

V.

METROPOLITAN EDISON COMPANY

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Docket No. C-2018-3003642

**RESPONSE OF METROPOLITAN EDISON COMPANY TO THE MOTION TO
COMPEL OF HEIDI FIEDLER**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Metropolitan Edison Company (“Met-Ed” or the “Company”) by and through its attorneys, Lauren M. Lepkoski and Tori L. Giesler, and pursuant to 52 Pa. Code §§ 5.371-5.372, hereby files this response to the Motion to Compel of Heidi Fiedler (“Complainant”). In support thereof, the Company avers as follows:

I. BACKGROUND

1. On July 23, 2018, the Complainant filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission”) regarding 432 East Wesner Road, Blandon, Pennsylvania 19510 (“Service Location”).

2. On August 13, 2018, the Company filed its Answer and New Matter denying the material allegations. On the same day, the Company also filed Preliminary Objections to the Formal Complaint.

3. On September 11, 2018, a Motion Judge Assignment Notice was issued and Administrative Law Judge (“ALJ”) Jeffrey A. Watson was assigned as the Presiding Officer in the above-captioned proceeding.

4. On September 21, 2018, ALJ Watson issued an Interim Order, which denied the Company’s Preliminary Objections.

5. On September 21, 2018, an Interim Order Establishing Initial Litigation Schedule was issued which set forth the schedule for discovery, the identification of witnesses, and filing of motions in this proceeding. Relevant to this Motion, ALJ Watson issued a witness notification deadline of December 28, 2018 and a discovery deadline of February 1, 2019.

6. On October 25, 2018, in accordance with 52 Pa. Code § 5.341, the Company issued to the Complainant interrogatories and document requests (“Company’s Discovery Requests”) via first class mail. In the Company’s Discovery Requests, the Company sought information and documents related to the Complainant’s allegations regarding the Company’s smart meters.

7. On November 5, 2018, Complainant submitted a filing amending her original complaint and objecting to all of the Company’s Discovery Requests. The Complainant objected to providing any discovery responses at this time on the grounds that “[i]t is not possible to provide detailed information and comprehensive answers to the questions, and to provide documents be used in this case, without knowing the precise manufacturer and model of the smart meter system . . . that MetEd and FirstEnergy seek to install at my home.” The amendments to the original complaint that were contemporaneously filed with Complainant’s objections generally requested information regarding the Company’s smart meters, sought to add FirstEnergy Corp. as a respondent in this proceeding, and made additional requests for relief.

8. At no point did the Complainant contact the Company to discuss the Company’s Discovery Requests or to seek an extension of time to respond to the Company’s Discovery Requests.

9. On November 13, 2018, in response to the Complainant’s objections, the Company filed with the Commission a Motion to Compel Responses to Interrogatories and Document Requests.

10. On November 27, 2018, the Company filed its Answer and New Matter to the Amended Complaint.

11. On November 27, 2018, the Complainant filed an Opposition to the Motion to Compel Responses to Interrogatories and Production of Documents.

12. On December 28, 2018, in accordance with the Interim Order Establishing a Litigation Schedule, the Company provided notice and summaries of testimony for its factual and expert witnesses.

13. On January 7, 2019, an Interim Order Granting Respondent's Motion to Compel the Complainant to provide responses to the Company's Discovery Requests propounded by the Company was issued. The Order denied the Complainant's opposition to the Motion to Compel and objections to the Company's Discovery Requests and directed the Complainant to serve upon the Company full and complete responses to all of the Company's Discovery Requests no later than February 1, 2019.

14. By letter directed to the Commission and dated February 1, 2019, the Complainant stated that she had not received a ruling from the Commission on her Amended Complaint and requested a six-month extension of time for the "discovery process."

15. By letter directed to Counsel for the Company and dated February 1, 2019, the Complainant provided incomplete responses.

16. The Complainant also untimely objected to Questions 1f, 1g, 1j, 27, 29, and 33, even though the Complainant's objections and opposition to the Company's Discovery Requests had already been denied by ALJ Watson via Interim Order entered January 7, 2019.

17. Additionally, the Complainant failed to provide any documentation in response to the Company's Discovery Requests providing incomplete responses such as "the production of

documents is ongoing and will be provided once it's complete," "documents to be presented at the hearing has not been determined yet" and that she needs "more time to acquire documentation" – all despite the fact that the Complainant filed the Formal Complaint on July 23, 2018 and has had the Company's Discovery Requests since October 25, 2018.

18. Further, the Complainant stated that "no witnesses have been retained at this time" even though the Complainant's list of proposed witnesses was to be provided no later than December 28, 2018 in accordance with the Interim Order issued September 21, 2018.

19. The Complainant did not contact the Company to discuss the Company's Discovery Requests and failed to provide *complete* responses to the Company's Discovery Requests as directed by ALJ Watson in the Interim Order issued on January 7, 2019.

20. Further, the Complainant ignored ALJ Watson's Interim Order Establishing Litigation Schedule issued on September 21, 2018, requiring the exchange expert and factual witness information by December 28, 2018, as no witness information had been received from the Complainant, and that the Parties were to conclude all discovery by February 1, 2019.

21. On February 13, 2019, the Company filed a Motion to Dismiss based upon the Complainant's failure to provide *complete* responses to the Company's Discovery Requests, failure to timely exchange expert and factual witness information

22. On February 14, 2019, ALJ Watson entered an Interim Order which denied the Complainant's request for an extension of time to complete discovery which was dated February 1, 2019.

23. On February 25, 2019, the Complainant filed an Answer to the Company's Motion to Dismiss.

24. On February 28, 2019, the Company filed a Status Report.

25. On March 1, 2019, an Interim Order Rescheduling Prehearing Conference was issued.
26. On March 5, 2019, a Call-In Telephonic Prehearing Conference Notice was issued.
27. The Complainant filed a Second Amended Formal Complaint which was served on the Company on March 7, 2019.
28. On March 13, 2019, a Prehearing Order Rescheduling Prehearing Conference was issued. That same day, a Call-In Telephone Cancellation/Reschedule Prehearing Conference Notice was issued.
29. On March 18, 2019, the Complainant filed a Status Report as well as a request for cancellation of the prehearing conference and request for an amended litigation schedule.
30. On March 25, 2019, an Interim Order was issued which denied the Complainant's request to cancel the prehearing conference and required the parties to attend and fully participate in the prehearing conference.
31. On March 27, 2019, the Company filed an Answer and New Matter as well as Preliminary Objections to the Complainant's Second Amended Complaint.
32. On April 1, 2019, a Call-In Telephone Cancellation/Reschedule Prehearing Conference Notice was issued.
33. On April 9, 2019, the Complainant filed a Motion to Dismiss the Company's Preliminary Objections to the Second Amended Formal Complaint.
34. On April 22, 2019, the Complainant filed a Motion to Dismiss the Company's Answer and New Matter to the Second Amended Formal Complaint.
35. On April 24, 2019, a Further Call-In Telephonic Prehearing Conference Notice was issued which scheduled a prehearing conference for May 2, 2019.

36. On April 24, 2019, a Second Interim Order Rescheduling Prehearing Conference was issued.

37. On May 1, 2019, the Complainant submitted to the Company supplemental responses to the Company's Discovery Requests which consisted of a flash drive. Due to Company security protocols and restrictions, the Company is unable to view the contents of the flash drive and are unsure what the contents may include.

38. On May 2, 2019, a prehearing conference was held wherein all parties appeared and participated.

39. On May 9, 2019, the Complainant filed a Status Report wherein she stated that she hand-delivered supplemental responses to the Company's Discovery Requests.

40. On October 10, 2019, an Interim Order was entered which disposed of outstanding discovery issues and holding the Motion to Dismiss in abeyance.

41. Also on October 10, 2019, an Interim Order revising the Litigation Schedule was issued. Additionally, an Interim Order was issued which denied the Complainant's request to join FirstEnergy Corporation as a Respondent, dismiss the Company's Answer and New Matter to the Second Amended Formal Complaint and dismiss the Company's Preliminary Objections to the Second Amended Formal Complaint. Further, the Company's Preliminary Objections were granted and Complainant's request for money damages was dismissed and the Complainant was prohibited from introducing any testimony or exhibits at any evidentiary hearing regarding the alleged damages set forth in the Second Amended Formal Complaint.

42. On November 1, 2019, the Complainant filed a Status Report which included notification of her anticipated witnesses.

43. By letter dated October 28, 2019, the Complainant propounded upon the Company via first class mail Interrogatories and Requests for Production of Documents (“Complainant’s Discovery Requests”).

44. On November 12, 2019, the Company timely submitted objections to Questions 7, 13, 15, 17 and 31 of the Complainant’s Discovery Requests.

45. On November 13, 2019 and November 20, 2019, the Company filed two separate Status Reports.

46. On November 19, 2019, the Company issued correspondence to the Complainant stating that the Company would respond to the Complainant’s Discovery Requests which were not objected to no later than December 6, 2019.

47. On November 22, 2019, a Judge Change Notice was issued by the Commission wherein the Formal Complaint was re-assigned to ALJ Francis J. Brady.

48. On November 25, 2019, in accordance with 52 Pa. Code § 5.341, and the Interim Order of October 10, 2019, the Company issued to the Complainant a second set of interrogatories and document requests (“Company Discovery Requests, Set II”) via first class mail. In its Discovery Requests, the Company sought information and documents solely related to the Complainant’s anticipated witnesses.

49. On November 25, 2019, the Complainant mailed to the Company via first class mail a Motion to Dismiss the Company’s objections which Met-Ed is treating as a Motion to Compel.

50. Pursuant to the Commission’s Regulations, 52 Pa. Code § 5.342(g)(1), Met-Ed timely files this Answer in opposition to the November 25, 2019 Motion filed by the Complainant.

II. OBJECTIONS

51. As stated in the Company's Objections to the questions contained in the Complainant's Discovery Requests, all of the Complainant's Discovery Requests are improper and objectionable to the extent that they seek information or documents that are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence; outside the scope of this proceeding; vague, ambiguous, unlimited in time, scope or subject, overly broad, unduly burdensome, oppressive, or calling for unbounded discovery; protected from disclosure by attorney-client privilege, the attorney/representative work product doctrine, or any other privilege or protection from disclosure recognized by law; not in possession, custody, or control of the Company or documents in the public domain or otherwise available to the Complainant through alternative or less burdensome means.

52. Further, the Company objects to Complainant's Discovery Requests, Nos. 7, 13, 15, 17, and 31 because each interrogatory is vague, ambiguous, overly broad, irrelevant, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence.

53. The Complainant states in her Motion that Question 7 does not request personally identifiable information. However, Question 7 specifically requests "copies of procedures and **training records for employees that handle safety complaints.**" Question 7 does not even narrow the request to those employees involved in handling the allegations raised in her Formal Complaint. Therefore, providing employee training records would require the disclosure of personally identifiable information related to employees who are not related to or involved in this proceeding. The Complainant states that she is only requesting the Company's procedures. However, the Complainant has made that specific request in Question 6, which has not been

objected to by the Company. As mentioned above, this Discovery Request is vague, ambiguous, overly broad, irrelevant, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence, and would require the disclosure of personally identifiable information related to employees who are not related to or involved in this proceeding.

54. With regard to Question 13, the Complainant is requesting the Company's overall compliance with the National Electric Safety Code ("NESC") and Commission's regulations. This request is not narrowed to the Complainant's allegations raised in her Formal Complaint or even specific sections of the NESC or regulations. As such, this Discovery Request is overly broad, irrelevant, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence.

55. The Complainant's Question 15 is requesting all fines levied upon the Company, including fines from agencies other than the Commission. As explained in the Company's objections, this Discovery Request is overly broad, irrelevant, outside the scope of this proceeding, not reasonably calculated to the discovery of admissible evidence, unduly burdensome, and requests information that would require the disclosure of personally identifiable information related to customers or employees who are not party to this proceeding. Additionally, information involving the Pennsylvania Department of Environmental Protection, United States Occupational Safety and Health Administration (OSHA), United States Environmental Protection Agency (EPA), and "all other applicable regulatory agencies" is wholly irrelevant to the Complainant and issues raised within the Formal Complaint and therefore is not discoverable. Furthermore, the Commission has no jurisdiction over such claims. As such, no information that could be provided in response to this question could be reasonably calculated to lead to admissible evidence in this proceeding.

56. The Complainant's Question 17 is requesting information related to other customer complaints regarding damaged poles and associated equipment. As explained in the Company's objections, this Discovery Request is overly broad, irrelevant, outside the scope of this proceeding, not reasonably calculated to the discovery of admissible evidence, and requests information that would require the disclosure of personally identifiable information related to customers who are not party to this proceeding. Information related to other customer complaints is wholly irrelevant to the Complainant and issues raised within the Formal Complaint and is therefore not discoverable. In addition, all non-confidential information related to other Commission complaints is located at the Commission's public website and accessible to the Complainant through alternative means from discovery. The Complainant has equal access to non-confidential information on the Commission's website as the Company. Finally, the Company is under a regulatory obligation to otherwise not disclose non-public information regarding its customers.

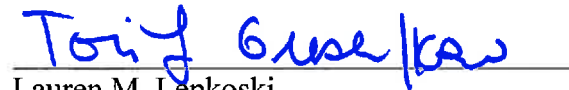
57. The Complainant's Question 31 is requesting all Commission reports, audits, investigations, complaints, and citations issued to the Company in the last five years. As explained in the Company's objections this Discovery Request is overly broad, burdensome, not reasonably calculated to the discovery of admissible evidence, and requests information that would require the disclosure of personally identifiable information related to customers who are not party to this proceeding. Information related to other customer complaints is wholly irrelevant to the Complainant and issues raised within the Formal Complaint and is therefore not discoverable. In addition, all non-confidential information related to other Commission complaints is located at the Commission's public website and accessible to the Complainant through alternative means from discovery. The Complainant has equal access to non-confidential information on the

Commission's website as the Company. Finally, the Company is under a regulatory obligation to otherwise not disclose non-public information regarding its customers.

WHEREFORE, Metropolitan Edison Company respectfully requests that the Commission issue an Order sustaining the Company's objections filed on November 12, 2019 and denying the Motion of Heidi Fiedler filed on November 25, 2019.

Respectfully submitted,

Dated: December 3, 2019



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CERTIFICATE OF SERVICE

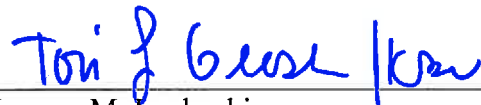
I hereby certify that I have this day served a true copy of the Response of Metropolitan Edison Company to the Motion to Compel of Heidi Fiedler upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by UPS overnight delivery, as follows:

Heidi Fiedler
432 East Wesner Road
Blandon, PA 19510

Administrative Law Judge Francis J. Brady
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
801 Market Street
Philadelphia, PA 19107

Dated: December 3, 2019



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