

Tori L. Giesler, Esq.
(610) 921-6658
(330) 315-9263 (Fax)

December 4, 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 Amended Response of Metropolitan Edison Company to the Motion to Compel of Heidi Fiedler with regard to the above-captioned matter. The only modification to the Response is the addition of Exhibits A and B. 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

krak
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

**AMENDED 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 amended 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.

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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”). A copy of the Complainant’s Discovery Requests is attached as Exhibit A.

44. On November 12, 2019, the Company timely submitted objections to Questions 7, 13, 15, 17 and 31 of the Complainant’s Discovery Requests. A copy of the Company’s Objections to the Complainant’s Discovery Requests is attached as Exhibit B.

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 4, 2019



Lauren M. Lepkoski
Attorney No. 94800
Tori L. Giesler
Attorney No. 207742
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, Pennsylvania 19612-6001
(610) 921-6203
(610) 921-6658
llepkoski@firstenergycorp.com
tgiesler@firstenergycorp.com

Counsel for Metropolitan Edison Company

432 E. Wesner Rd
Blandon, PA 19510
October 28, 2019

RECEIVED

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LEGAL DEPT.

Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
400 North Street 2ND Floor
Harrisburg, PA 17120

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

Dear Ms. Chiavetta:

Please find enclosed Complainant's Interrogatories and Requests for Production of Documents of Heidi Fiedler to Metropolitan Edison Company, Set 1.

I am also serving copies to the Honorable Tori Giesler of First Energy Services Company and to the Honorable Jeffrey Watson, Administrative Law Judge, Pennsylvania Public Utilities Commission.

Thank you for your attention to this matter.

Very truly yours,



Heidi Fiedler

Enclosures

cc: The Honorable Jeffrey Watson, Pennsylvania Public Utility Commission
The Honorable Tori Giesler, First Energy Services Company

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

HEIDI FIEDLER

v.

METROPOLITAN EDISON COMPANY

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:
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Docket No. C-2018-3003642

INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS OF
HEIDI FIEDLER TO METROPOLITAN EDISON COMPANY, SET 1

Complainant Heidi Fiedler hereby submits the following Interrogatories and Production of Documents, Set 1 to Metropolitan Edison Company ("Respondent"), fully and in accordance with 52 Pa Code Sections 5.341 and 5.349 of the rules and regulations of the Pennsylvania Public Utility Commission.

1. Does Respondent acknowledge allowing a Respondent-owned pole on Complainant's property to severely deteriorate?
2. Does Respondent acknowledge that a ridge pin on the pole referred to in Question 1 was allowed to hang at a 45 degree angle?
3. Please provide all installation records for all of the Respondent owned equipment, including poles, ridge pins and conductors, that are installed on Complainant's property.
4. Please provide all maintenance records for all of the Respondent owned equipment, including poles, ridge pins and conductors, that are installed on Complainant's property.
5. Please provide all inspection records for all of the Respondent owned equipment, including poles, ridge pins and conductors, that are installed on Complainant's property.
6. Please describe Respondent's procedures for responding to customers' safety complaints.
7. Please provide copies of procedures and training records for employees that handle customers' safety complaints.
8. Does Respondent acknowledge that Respondent's contractors caused approximately 800 feet of ruts and other damage during the installation of the new pole on October 17, 2018?
9. Please explain why Respondent did not timely respond to Complainant's request for repairs to the damages that Respondent's contractors caused to her property.

10. What is Respondent's policy on repairing property to damage caused by Respondent's contractors on customers' properties.
11. Please provide a copy of Respondent's policy for repairing damages caused by Respondent's contractors on customers' properties.
12. Please provide all documentation on Respondent's responses to Complainant's 2018 requests for repairs to her property.
13. During the past five years, has Respondent been in compliance with the National Electric Safety Code (NESC) and the Pennsylvania Public Utility Code (PUC Code)?
14. If the answer to Question 13 is yes, please indicate how allowing a pole to severely deteriorate and a ridge pin to rotate to a 45 degree angle is in compliance with the NESC and PUC Code. Please cite precise sections of these codes to support your answer.
15. What is the total amount of fines and penalties (actual and proposed) levied on Respondent during the last five years? Please include and itemize all fines and penalties from all relevant state and federal agencies, including the Pennsylvania Public Utility Commission, 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. Please provide all documentation related to these fines and penalties.
16. Please provide training records for Respondent's employees and contractors that responded to Complainant's safety complaint.
17. How many safety complaints concerning damaged poles and associated equipment has Respondent received during the last five years? Please provide a list of complaints received.
18. How many of the complaints listed in Question 17 resulted in damages to customers' property?
19. How many of the complaints listed in Question 17 resulted in loss of electric service to customers?
20. Please produce all documents that Respondent intends to offer in to evidence at the time of the hearing.
21. Please list the specific issues that Respondent intends to raise at the time of the hearing.
22. Please identify the legal support, including specific citations, for each issue identified in Question 21.
23. Please list the factual support for each issue identified in Question 21.

24. Please provide the list of all witnesses Respondent intends to call to testify at the time of the hearing, including the witnesses' full name, address, telephone number, title or position held, educational background, employment background, and summary of testimony.
25. Will any witnesses identified in Question 24 be offered as an expert? If so, please provide the witnesses' resumes.
26. Please provide copies of all documentation that Respondent intends to refer to at the time of the hearing.
27. Please provide copies of all proposed exhibits that Respondent intends to submit for the hearing.
28. Please provide copies of all documents that Respondent is relying upon in support of Respondent's positions in this proceeding.
29. Please provide copies of all documents that Respondent referenced, referred to, or otherwise relied upon in preparing Respondent's response to these discovery requests.
30. According to the Pennsylvania Public Utility Commission Report titled "Management Efficiency Investigation" issued in May 2011, Exhibit VI-5, Respondent was cited for 3 "Major Deficiencies", of which 3 were "Not Fixed"; and 19 "Deficiencies" of which 11 were listed as "Not Fixed." Please identify all of these "Major Deficiencies" and "Deficiencies" listed in this Exhibit VI-5 and which "Major Deficiencies" and "Deficiencies" currently are "Not Fixed."
31. Please provide copies of all Pennsylvania Public Utility Commission reports, investigations, audits, complaints and citations issued to Respondent in the last five years. Please include reports, investigations, audits, complaints and citations issued to Respondent in the last five years from the Pennsylvania Public Utility Commission Department of Investigation and Enforcement.
32. Please provide all copies of Respondent's Biennial Inspection, Maintenance, Repair and Replacement Plans filed during the last ten years.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Heidi Fiedler :
 :
 v. : **C-2018-3003642**
 :
 Metropolitan Edison Company :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the Interrogatories and Requests for Production of Documents of Heidi Fiedler to Metropolitan Edison Company upon the individual listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by First Class Mail, postage prepaid, as follows:

Tori Giesler, Esq

First Energy Services Company
2800 Pottsville Pike
PO Box 16001
Reading, PA 19612

Dated: October 28, 2019



Heidi Fiedler
432 E. Wesner Rd
Blandon, PA 19510



2800 Pottsville Pike
PO Box 16001
Reading, PA 19612-6001

Tori L. Giesler, Esq.
(610) 921-6658
(330) 315-9263 (Fax)

November 12, 2019

VIA FIRST CLASS MAIL

Heidi Fiedler
432 East Wesner Road
Blandon, PA 19510

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

Dear Ms. Fiedler:

Attached please find the Objections of Metropolitan Edison Company to the Interrogatories and Requests for Production of Documents of Heidi Fiedler to Metropolitan Edison Company, Set I, Nos. 7, 13, 15, 17 and 31 in the above-referenced matter. This document has been served as shown in the Certificate of Service.

Please contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink that reads "Tori L. Giesler/KAW". The signature is written in a cursive style.

Tori L. Giesler

Enclosures

cc: As Per Certificate of Service
Administrative Law Judge Jeffrey Watson (Cover Letter and Certificate)
Rosemary Chiavetta, Esq., Public Utility Commission (Cover Letter and Certificate)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HEIDI FIEDLER :
 :
 v. : **Docket No. C-2018-3003642**
 :
METROPOLITAN EDISON COMPANY :

**OBJECTIONS TO THE INTERROGATORIES AND REQUESTS FOR PRODUCTION
OF HEIDI FIEDLER TO METROPOLITAN EDISON, SET I**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code § 5.342(c), Metropolitan Edison Company (“Met-Ed” or the “Company”) objects to the First Set of Interrogatories and Requests for Production of Documents propounded by Heidi Fiedler (“Complainant”) on October 28, 2019 (“Complainant’s Discovery Requests”). 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.

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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 Discovery Requests since October 25, 2018.

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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.

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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 6, 2019, the Complainant hand delivered documents as additional responses to the Company's Discovery Requests.

40. On May 9, 2019, the Complainant filed a Status Report.

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

42. On October 10, 2019, a second Interim Order was issued which revised the Litigation Schedule.

43. On October 10, 2019, a third 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.

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

II. Objections

45. 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.

46. In responding to the Complainant's Discovery Requests, the Company does not waive any objections to the admissibility, relevancy, materiality, confidentiality, or privilege attached to any document, communication, or information.

47. Numerous of the Complainant's Discovery Requests seek information or documents that is wholly objectionable, and the Company objects to it in its entirety. Specifically, the Company objects to Complainant's Discovery Requests, Nos. 7, 13, 15, 17, and 31 as follows:

Metropolitan Edison Company's Objections to
Heidi Fiedler Interrogatories Set I, No. 7

HEIDI FIEDLER

v.

METROPOLITAN EDISON COMPANY

Docket No. C-2018-3003642

Fiedler Interrogatories Set I, No. 7

Please provide copies of procedures and training records for employees that handle customers' safety complaints.

OBJECTION:

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 requests information that would require the disclosure of personally identifiable information related to employees who are not related to or involved in this proceeding.

Metropolitan Edison Company's Objections to
Heidi Fiedler Interrogatories Set I, No. 13

HEIDI FIEDLER

v.

METROPOLITAN EDISON COMPANY

Docket No. C-2018-3003642

Fiedler Interrogatories Set I, No. 13

During the past five years, has Respondent been in compliance with the National Electric Safety Code (NESC) and the Pennsylvania Public Utility Code (PUC Code)?

OBJECTION:

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.

Metropolitan Edison Company's Objections to
Heidi Fiedler Interrogatories Set I, No. 15

HEIDI FIEDLER

v.

METROPOLITAN EDISON COMPANY

Docket No. C-2018-3003642

Fiedler Interrogatories Set I, No. 15

What is the total amount of fines and penalties (actual and proposed) levied on Respondent during the last five years? Please include and itemize all fines and penalties from all relevant state and federal agencies, including the Pennsylvania Public Utility Commission, 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. Please provide all documentation related to these fines and penalties.

OBJECTION:

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.

Metropolitan Edison Company's Objections to
Heidi Fiedler Interrogatories Set I, No. 17

HEIDI FIEDLER

v.

METROPOLITAN EDISON COMPANY

Docket No. C-2018-3003642

Fiedler Interrogatories Set I, No. 17

How many safety complaints concerning damaged poles and associated equipment has Respondent received during the last five years? Please provide a list of complaints received.

OBJECTION:

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.

Metropolitan Edison Company's Objections to
Heidi Fiedler Interrogatories Set I, No. 31

HEIDI FIEDLER

v.

METROPOLITAN EDISON COMPANY

Docket No. C-2018-3003642

Fiedler Interrogatories Set I, No. 31

Please provide copies of all Pennsylvania Public Utility Commission reports, investigations, audits, complaints and citations issued to Respondent in the last five years. Please include reports, investigations, audits, complaints and citations issued to Respondent in the last five years from the Pennsylvania Public Utility Commission Department of Investigation and Enforcement.

OBJECTION:

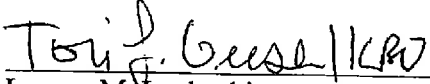
This Discovery Request is overly broad, burdensome, not reasonably calculated to the discovery of admissible evidence, and requests information that would require the disclosure of personally identifiable information related to customers who are not party to this proceeding. Information related to other 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.

III. Conclusion

WHEREFORE, for the foregoing reasons, Metropolitan Edison Company objects to Complainant's Discovery Requests, Set I, Interrogatories Nos. 7, 13, 15, 17, 30 and 31.

Respectfully submitted,

Dated: November 12, 2019



Lauren M. Lepkoski

Attorney No. 94800

Tori L. Giesler

Attorney No. 207742

FirstEnergy Service Company

2800 Pottsville Pike

P.O. Box 16001

Reading, Pennsylvania 19612-6001

(610) 921-6203

(610) 921-6658

llepkoski@firstenergycorp.com

tgiesler@firstenergycorp.com

Counsel for Metropolitan Edison Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HEIDI FIEDLER

v.

METROPOLITAN EDISON COMPANY

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Docket No. C-2018-3003642

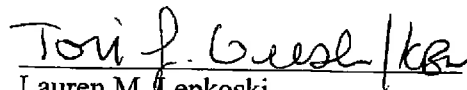
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Objections of Metropolitan Edison Company to the Interrogatories and Requests for Production of Documents of Heidi Fiedler to Metropolitan Edison Company, Set I, upon the individuals listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by first class mail, postage prepaid, as follows:

Heidi Fiedler
432 East Wesner Road
Blandon, PA 19510

Dated: November 12, 2019



Lauren M. Lepkoski

Tori L. Giesler

FirstEnergy Service Company

2800 Pottsville Pike

P.O. Box 16001

Reading, Pennsylvania 19612-6001

(610) 921-6203

(610) 921-6658

llepkoski@firstenergycorp.com

tgiesler@firstenergycorp.com

Counsel for Metropolitan Edison Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HEIDI FIEDLER

V.

METROPOLITAN EDISON COMPANY

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Docket No. C-2018-3003642

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Amended 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 4, 2019



Lauren M. Lepkoski
Tori L. Giesler
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, Pennsylvania 19612-6001
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(610) 921-6658
llepkoski@firstenergycorp.com
tgiesler@firstenergycorp.com