

January 9, 2020

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

Re: Miranda Grace Edwards v. Duquesne Light Company
Docket No. C-2018-3002741

Dear Secretary Chiavetta:

Attached please find the Complainant's (my) response to Duquesne Light Company's (DLC) Motion to Compel Discovery Responses. It has been submitted in accordance with the 20-day timeframe of DLC Counsel's Notice to Plead, pursuant to 52 PA. Code § 1.12.

A copy of this document has been served upon the Respondent's Counsel, Shane Miller, Esq., in accordance with Commission regulations.

Please feel free to contact me if you have any questions.

Sincerely,



M. Grace Edwards
Complainant
msea.mdew@gmail.com

Attachment

Cc: Shane Miller, Esquire, Counsel for Duquesne Light Company (via email) (with attachment)

January 9, 2020

Shane Miller, Esquire
1500 One PPG Place
Pittsburgh, PA 15222

Re: Miranda Grace Edwards v. Duquesne Light Company
Docket No. C-2018-3002741

Dear Mr. Miller:

Attached please find the Complainant's (my) responses to your Motion to Compel Discovery Responses. It has been submitted in accordance with your deadline of January 21, 2020. This deadline does not exceed the 20-day time frame of DLC Counsel's Notice to Plead, pursuant to 52 PA. Code § 1.12.

A copy of this document has been filed with the Pennsylvania Public Utilities Commission.

Please feel free to contact me if you have any questions.

Sincerely,



M. Grace Edwards
Complainant
msea.mdew@gmail.com

Attachment

Cc: Shane P. Miller, Esquire, Counsel for Duquesne Light Company (via email) (with attachment)

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MIRANDA GRACE EDWARDS,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No. C-2018-3002741

Responses to Respondent's

MOTION TO COMPEL DISCOVERY RESPONSES

Filed by Miranda Grace Edwards

msea.mdew@gmail.com
3835 Acorn Street
Pittsburgh, PA 15207

**COMPLAINANT'S RESPONSES TO RESPONDENT'S MOTION TO COMPEL DISCOVERY
RESPONSES**

TO: RESPONDENT'S GENERAL COUNSEL, SHANE MILLER, ESQUIRE

THESE PAGES CONSTITUTE THE FILING OF MY WRITTEN RESPONSE TO THE FIRST SET OF DISCOVERY REQUESTS SERVED ON ME BY RESPONDENT DUQUESNE LIGHT COMPANY. THESE HAVE BEEN SUBMITTED TO YOU PER THE DEADLINE OF JANUARY 21, 2020. THIS DEADLINE DOES NOT EXCEED THE 20-DAY TIME FRAME OF DLC COUNSEL'S NOTICE TO PLEAD, PURSUANT TO 52 PA Code § 1.12.

Miranda Grace Edwards

January 9, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MIRANDA GRACE EDWARDS,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No. C-2018-3002741

RESPONSES TO RESPONDENT'S MOTION TO COMPEL DISCOVERY RESPONSES

AND NOW comes Complainant Miranda Grace Edwards ("I") and hereby files this, my Responses to Respondent's ("Duquesne Light Company" or "DLC") Motion to Compel Discovery Responses.

1-8. No response necessary.

9. DLC Counsel's statement: On February 19, 2019, in response to the Presiding ALJ's Interim Order from January 28, 2019, Complainant served Complainant's Responses to Respondent's First Set of Discovery Requests ("Supplemental Discovery Responses").

ANSWER:

In my February 19, 2019 Responses to Respondent's First Set of Discovery Requests ("Supplemental Discovery Responses"), I provided a Stipulated Protective Agreement. I wrote in my response to DLC, "Please sign the attached Stipulated Protective Agreement and I will provide the information as specified in the interim order of January 28, 2019."

As of January 9, 2020, I have received no response from DLC concerning the Stipulated Protective Agreement I provided. DLC did not sign the Stipulated Protective Agreement.

10. DLC Counsel's statement: On March 4, 2019, Complainant filed an Amended Complaint. It raises the same general allegations and requests for relief as the original Complaint.

ANSWER:

The following items were not part of my original Complaint and are relevant to the current status of these proceedings:

- On November 28, 2018, an interim order was entered establishing an "initial litigation

schedule.” This order specified January 4, 2019, as the date by which “any Party wishing to present expert testimony of any person other than Complainant must provide to the other Party in writing, the name and business address of that person and a written summary of the expected testimony of that person.” The order also specified that on the same date, “any Party wishing to present expert testimony (including but not limited to medical, technical, etc.) must provide to the other Party in writing, the name and business address of that person and a written summary of the expected testimony of that person.”

The specified deadline of January 4, 2019, was impossible for me to meet. The interim order of November 28, 2018, was filed six days after Thanksgiving—well into the holiday season when I, and likely most experts, have increased family obligations.

While DLC has a stable of (likely paid) witnesses lined up to testify in response to multiple complaints, I am one *pro se* complainant with a full-time job and other responsibilities. I did not already know suitable witnesses at the time the November 28 interim order was entered.

- On December 10, 2018, I filed a motion to adjust the initial litigation schedule. This request reflected my concerns as stated above. I averred that the schedule as set forth would be impossible to meet and requested more time. I asked to extend the January 4, 2019, deadline to February 28, 2019. I asked to extend the February 28, 2019 deadline to conclude discovery to April 25, 2019. I requested to extend the date to file a “progress report” from March 11, 2019, to May 7, 2019.

- As of January 9, 2020, I still have received no response from either PUC or DLC concerning my motion to adjust the initial litigation schedule. Both parties have proceeded according to the initial litigation schedule that I stated I could not meet—beginning with the first deadline of January 4, 2019, immediately following the winter holidays. Furthermore, my obligations unrelated to this Complaint only increased as 2019 progressed. I had even less time than before, but received no accommodation.

- On December 18, 2018, DLC filed a motion to extend the discovery response deadline. This motion was granted and also agreed to by me. On or about January 31, 2019, I received an envelope from DLC Counsel via U.S. mail. The envelope contained a two-paragraph letter dated January 30, 2019, and a CD with 21 files constituting DLC’s responses to my discovery requests. DLC supplied no direct answers to any of my questions.

On March 25, 2019, 21 days after I filed my Amended Complaint, DLC filed Responses to Interrogatories of Miranda Grace Edwards and Requests for Production of Documents for Production of Documents, Set I. Only then did DLC provide direct answers to any of my discovery requests.

11. No response necessary.
12. DLC Counsel's statement: On December 17, 2019, Duquesne Light's counsel contacted Complainant to request supplemental responses to several discovery requests set forth in Duquesne Light's First Set of Discovery Requests. Duquesne Light sent a proposed confidentiality agreement to Complainant to address her concerns about protecting personal information.

ANSWER:

In my February 19, 2019 Responses to Respondent's First Set of Discovery Requests ("Supplemental Discovery Responses"), I provided a Stipulated Protective Agreement. I wrote in my response to DLC, "Please sign the attached Stipulated Protective Agreement and I will provide the information as specified in the interim order of January 28, 2019." (See Attachment A, Stipulated Protective Agreement.)

As of January 9, 2020, I have received no response from DLC concerning the Stipulated Protective Agreement I provided. DLC did not sign the Stipulated Protective Agreement.

- 13-20. No response necessary.

21. DLC Counsel's statement: Complainant's answer to Discovery Request #16 is deficient because she failed to provide a full and complete response, *despite being ordered to do so by the Presiding ALJ nearly a year ago*. Duquesne Light is entitled to receive the requested information because Complainant has alleged that radiofrequency radiation purportedly emitted from Duquesne Light's smart meters will damage her health. Duquesne Light is entitled to know if Complainant is regularly exposed to radiofrequency radiation from other sources, such as cell phones, microwave ovens, wireless internet, and Wi-Fi routers. Duquesne Light provided a mutual confidentiality agreement to Complainant to alleviate any privacy concerns, but she did not sign the agreement or provide a complete response to this discovery request.

ANSWER:

As stated in paragraphs 9 and 12 above, I provided a Stipulated Protective Agreement to DLC in my filing of February 19, 2019. DLC did not respond and has not signed the Stipulated Protective Agreement I provided. Instead, they sent their own agreement three days before filing their Second Motion to Compel Discovery Responses on December 23, 2019, in the midst of the winter holidays when I, and most other parties, have increased family obligations.

As stated previously, I will provide the information if DLC signs the Stipulated Protective Agreement provided in my filing of February 19, 2019. I am a *pro se* complainant and will not be rushed into signing a document provided at the last minute by DLC when I cannot reliably determine that it will offer me an equal or greater level of protection compared to the Stipulated Protective Agreement. If DLC wants me to sign their

confidentiality agreement in relation to information they provide me, I am amenable to doing so. But it seems to me that at this point in the proceedings, DLC is not legally obligated to provide me with more information than they already have because the discovery period has passed.

Providing detailed personal information such as “the type (with make and model)” about “devices, appliances, and equipment used in [my] home or by [me] in [my] daily life” in a document that is destined for the public record may compromise the safety and security of my home. After all, DLC specifically wants details on any of my possessions “that produce radio frequency or low frequency fields,” which unknown third parties could infiltrate if they had the skill and desire to do so.

In addition, I note that providing the information sought in Discovery Request No. 16 will not address crucial differences between any “devices, appliances, and equipment used by [me] in [my] home or in [my] daily life” and the Itron SK9AMI7 HW 3.1 OpenWay CENTRON Singlephase Smart Meter. To the extent it is even possible to do so, accounting for these differences—my use of items I own and control versus involuntary exposure to a source of RF that I cannot control—would require me to provide additional personal information about my “daily life” and habits and I am not amenable to doing so.

Furthermore, I am not “alleg[ing]” to have suffered health effects from a smart meter that has been installed on my Property because no smart meter has been installed on my Property. Discovery Request No. 16 would make more logical sense if I were claiming to have suffered health effects from a smart meter DLC installed on my Property, and DLC sought to prove the health effects I specified could have been caused instead by other sources “that produce radio frequency or low frequency fields.”

But it seems to me that DLC is not seeking to avoid legal responsibility for health effects I did not claim to have suffered as a result of actions they have not yet taken. DLC seeks this information for a different reason. I contend that DLC could only use the information they seek in Discovery Request No. 16 to make the following fallacious argument: “Complainant willingly exposes herself to x V/m of RF radiation; therefore, DLC should be permitted to expose Complainant to an additional x V/m of RF radiation without her consent.” The numerical value of either “ x ” in this hypothetical argument is irrelevant to the extent that DLC seeks to introduce RF radiation into my home *without my consent*. Regardless of whether the amount of RF radiation from my “devices, appliances, and equipment” turned out to be low or high, DLC is seeking permission from the PA PUC to install a smart meter on my Property against my wishes under threat of discontinuing my utility service. Besides, numerous studies refute DLC’s claims that smart meters emit a lower amount RF radiation than many common household “devices, appliances, and equipment.”

22. No response necessary.

23. DLC Counsel's statement: Complainant's answer is deficient because she failed to provide a full and complete response to this discovery request, *despite being ordered to do so by the Presiding ALJ nearly a year ago*. The requested information is relevant because if Complainant has other devices, appliances, or equipment in her home that emit radiofrequency or low frequency radiation, it is less likely that any alleged adverse health effects were caused by Duquesne Light's smart meter. Duquesne Light is seeking to obtain the requested documents so it can determine how much radiofrequency radiation each product emits relative to Duquesne Light's smart meters. This information is not privileged and must be provided.

ANSWER:

See my answer to Discovery Request No. 16 as provided in Paragraph 21 above.

24. No response necessary.

25. DLC Counsel's statement: Complainant's answer is deficient because she did not provide a full and complete response. Complainant stated that she was "in the process of gathering information and facts that support [her] claim" but never supplemented this response as required by 52 PA. Code § 5.332. It is thus unclear if Complainant claims that Duquesne Light's smart meters have ever caused a fire. If Complainant has no additional information in response to this request, she must simply say so.

ANSWER:

I still lack the information and facts to make the claim that DLC's smart meters in particular have ever caused a fire. DLC is in possession of this information, but they have not supplied it to me.

On December 10, 2018, I filed Interrogatories and Requests for Production of Documents, Set 1, Q 1-96. Below I have included the relevant requests and DLC's responses.

My Discovery Request No. 56: *State all facts that support Your claim that Duquesne Light's installation of a Smart Meter at the Property poses NO potential fire hazard.*

DLC response: *This question attributes a statement to Duquesne Light without identifying where, when, or the context in which Duquesne Light allegedly made such statement. Additionally, the term "potential fire hazard" is vague and ambiguous. To the extent a response is required, as noted by the responses to the preceding Discovery Requests, the smart meters being installed in Duquesne Light's service territory fall within the limits established by the FCC, have been tested and approved by UL, and comply with standards set by ANSI. The Company's smart meter procurement and implementation plan also has been approved by the Pennsylvania Public Utility Commission, which is prima facie evidence that it is reasonable, safe, and in compliance with the law.*

[Note that DLC made the following statement in its Answer and New Matter filed on July 5, 2018: *Duquesne Light also denies that its smart meters pose a fire hazard or otherwise threaten Complainant's safety, as alleged in the Formal Complaint.* In this statement, DLC is effectively claiming that DLC's installation of a smart meter on my property poses no potential fire hazard. Moreover, DLC themselves used the term "fire hazard," which they later characterized in their response to my Discovery Request No. 56 as "vague and ambiguous." Adding the word "potential" does not make this term incomprehensible. I was asking for more substantive support for DLC's claim than "*prima facie* evidence" from entities that are vulnerable to regulatory capture.]

My Discovery Request No. 57: Produce all Documents that relate to Your answer to Discovery Request No 56.

DLC response: Please see response to Question 16. (The response to Question 16 names the following documents that were included on the CD I received January 31, 2019:

- FCC RF Exposure Report for SK9AMI7
- OpenWay Wireless Transmissions 24 Hour Duty Cycle
- AMI7 EMC Report
- Duquesne Light's Final Smart Meter Plan – dated June 29, 2012
- Duquesne Light's Petition for Approval of Settlement – dated December 7, 2012
- Opinion and Order of the Pennsylvania Public Utility Commission – entered May 6, 2013
- Petition of Duquesne Light Company to Modify its Smart Meter Plan – dated August 4, 2015
- Initial Decision of Administrative Law Judge Katrina Dunderdale – dated October 31, 2016
- Opinion and Order of the Pennsylvania Public Utility Commission on Duquesne Light's Petition for Approval to Modify its Smart Meter Plan – entered April 7, 2017
- Duquesne Light's Responses to Interrogatories of the Office of Consumer Advocate – Set III
- An Investigation of Radiofrequency Fields Associated with the Itron Smart Meter
- Application for Approval of Duquesne Light's Assessment of Needs, Technology Solutions and Vendor Selection
- Smart Meter Q&A
- Understanding Radiofrequency and Your New Meter
- Myths vs. Facts: The Truth About Smart Meters
- Data Privacy and Your New Meter
- Duquesne Light's Privacy Policy
- UL Online Certification Directory)

[Note that DLC did not include its direct responses with the January 31, 2019 materials, only the CD and a short letter. I received DLC's responses separately—nearly two months later—in response to my Amended Complaint, in which I pointed out that DLC did not provide direct responses.]

DLC's obstruction, as demonstrated above, has prevented me from gathering the information I need to make a claim about DLC's service area in particular. Other factors include:

- I am a *pro se* complainant with a full-time job and other responsibilities.
- My December 10, 2018, motion to adjust the initial litigation schedule was ignored by PUC and DLC. PUC and DLC have proceeded according to the initial litigation schedule that I stated I could not meet—beginning with the first deadline of January 4, 2019, immediately following the winter holidays. Furthermore, my obligations unrelated to this Complaint only increased as 2019 progressed. I have even less time than before and have received no accommodation.

I cannot make the specific claim DLC has asked me to make or forfeit concerning their smart meters in their service area, but fires involving burned or exploded Itron OpenWay meters—the same type of meter as the ones used by DLC—have been documented. The links I include below reference incidents in Johnstown, PA; Houston, TX; and Vancouver, BC, Canada.

Johnstown, PA

<http://www.puc.pa.gov/pcdocs/1599023.pdf>

<https://wjactv.com/news/local/small-fire-causes-power-outage-and-office-closure-at-victim-services-inc>

Vancouver, BC, Canada

<http://sios.ca/SMFireReport/SuperReportSmartMetersKW.pdf>

Houston, TX

<https://www.click2houston.com/news/2011/03/08/local-2-investigates-smart-meter-fires/>

26. No response necessary.

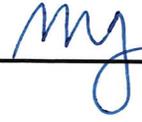
27. DLC Counsel's statement: This response is deficient for the same reasons set forth in paragraph 25. If Complainant has no additional documents to produce in response to this request, she must simply say so.

ANSWER:

See my answer to Discovery Request No. 16 as provided in Paragraph 25 above.

WHEREFORE, Complainant Miranda Grace Edwards respectfully requests that the Commission deny Duquesne Light Company's Motion to Compel Discovery Responses.

Respectfully submitted,



Miranda Grace Edwards

January 9, 2020

1.36 Verification

Verification

I, Miranda Grace Edwards, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. section 4904 (relating to unsworn falsification to authorities).

1-9-2020
Date

Signature

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MIRANDA GRACE EDWARDS,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No. C-2018-3002741

CERTIFICATE OF SERVICE

I, Miranda Grace Edwards, hereby certify that I have this day served a true copy of my Response to Respondent's Motion to Compel Discovery Responses upon the participant listed below in accordance with the requirements of 52 PA. Code § 1.54 (relating to service by a participant):

VIA EMAIL:

Paul Shane Miller, Esquire
PA I.D. No. 319174
smiller@tuckerlaw.com
1500 One PPG Place
Pittsburgh, PA 15222
Fax: 412-594-5619

Dated this 9th day of January, 2020



Miranda Grace Edwards

msea.mdew@gmail.com
3835 Acorn Street
Pittsburgh, PA 15207

