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February 19, 2020

**VIA ELECTRONIC FILING**

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

**Re: Liza Mousios & Roy Cumming v. Metropolitan Edison Company**  
**Docket Nos. C-2019-3007989, C-2019-3007995**

Dear Secretary Chiavetta:

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

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

Very truly yours,

*Tori L. Giesler / KBW*

Tori L. Giesler

krak  
Enclosures

c: As Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>LIZA MOUSIOS AND ROY CUMMING</b>	:	
	:	
<b>v.</b>	:	<b>Docket Nos. C-2019-3007989</b>
	:	<b>C-2019-3007995</b>
<b>METROPOLITAN EDISON COMPANY</b>	:	

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**NOTICE TO PLEAD**

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TO: Liza Mousios and Roy Cumming

Pursuant to 52 Pa. Code § 5.102(b) and the Orders entered January 9 and 31, 2020, you are hereby notified that, if you do not file a written response denying or correcting the enclosed Amended Motion to Compel of Metropolitan Edison Company within **three (3) days** from the service of the Notice, the facts set forth by Metropolitan Edison Company in the Motion may be deemed to be true, thereby requirement no other proof. All pleading, such as a Reply to Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy service to counsel for Metropolitan Edison Company, and where applicable, the Administrative Law Judge presiding over the case.

File with:


Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

With a copy to:

Administrative Law Judge Darlene D. Heep  
Pennsylvania Public Utility Commission  
801 Market Street  
Philadelphia, PA 19107

Lauren M. Lepkoski  
Tori L. Giesler  
FirstEnergy Service Company  
2800 Pottsville Pike  
P.O. Box 16001  
Reading, Pennsylvania 19612-6001

Date: February 19, 2020

  
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Lauren M. Lepkoski, Esquire  
Tori L. Giesler, Esquire

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>LIZA MOUSIOS AND ROY CUMMING</b>	:	
	:	
<b>v.</b>	:	<b>Docket Nos. C-2019-3007989</b>
	:	<b>C-2019-3007995</b>
<b>METROPOLITAN EDISON COMPANY</b>	:	

**AMENDED MOTION OF METROPOLITAN EDISON COMPANY TO COMPEL  
RESPONSES TO INTERROGATORIES AND DOCUMENT REQUESTS**

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 Motion to Compel Liza Mousios and Roy Cumming (“Complainants”) to provide full and complete responses to interrogatories and document requests issued by the Company on January 28, 2020. In support thereof, the Company avers as follows:

**I. BACKGROUND**

1. On February 11, 2019, each of the Complainants filed separate Formal Complaints with the Pennsylvania Public Utility Commission (“Commission”) regarding 68 Marienstein Road, Revere, Pennsylvania 18953, which were both electronically served on the Company on February 21, 2019.

2. On March 13, 2019, the Company filed its Answer and New Matter denying the material allegations of both Formal Complaints. On that same day, the Company also filed Preliminary Objections to both Formal Complaints.

3. On March 28, 2019, each Complainant filed an identical response to the Company’s Answer and New Matter to their respective Formal Complaint.

4. On April 20, 2019, the Complainants filed a joint pleading titled “Response and Preliminary Objections to Metropolitan Edison Company” in response to the Company’s Preliminary Objections and raised their own objections.

5. On April 23, 2019, a Motion Judge Assignment Notice was issued assigning Administrative Law Judge (“ALJ”) Emily I. DeVoe to both proceedings.

6. On May 14, 2019, ALJ DeVoe issued an Interim Order consolidating the Formal Complaints filed by each of the Complainants.

7. May 15, 2019, ALJ DeVoe issued a Corrected Interim Order granting in part and denying in part the Company’s Preliminary Objections

8. On May 16, 2019, ALJ DeVoe issued an Interim Order denying the Complainants’ Preliminary Objections.

9. On May 20, 2019, a Call-In Telephone Pre-Hearing Conference Notice was issued scheduling a prehearing conference for July 23, 2019 for the consolidated Formal Complaints.

10. On May 22, 2019, ALJ DeVoe issued an Interim Order Scheduling a Prehearing Conference for July 23, 2019.

11. On May 31, 2019, in accordance with 52 Pa. Code § 5.341, the Company forwarded to the Complainants interrogatories and document requests (“Company’s Set I Discovery Requests”) via first class mail. In its Discovery Requests, the Company sought information and documents related to the Complainants’ allegations regarding the Company’s smart meters.

12. On June 17, 2019, ALJ DeVoe received correspondence from the Complainants, which was not served upon the Company, wherein they request that the prehearing conference be cancelled and that the matter proceed to a hearing.

13. On June 20, 2019, ALJ DeVoe issued an Interim Order ordering the parties to appear for and participate in the prehearing conference scheduled for July 23, 2019.

14. On July 22, 2019, the Company filed a Motion to Compel.

15. On July 23, 2019, a prehearing conference was held and all parties participated.

16. On July 24, 2019, an Interim Order which extended the deadlines for the Complainants to submit witness information and file a response to the Company's Motion to Compel.

17. On July 26, 2019, the Complainants re-served their discovery responses to the Company's Set I Discovery Requests upon the Company along with proof of mailing from her original submission.

18. By letter dated August 23, 2019, which was received on August 30, 2019, the Complainants forwarded to the Company a set of interrogatories ("Complainants' Set I Discovery Requests").

19. On August 28, 2019, an Interim Order was entered which required the submission of a status report.

20. On September 3, 2019, in accordance with 52 Pa. Code § 5.341, the Company forwarded to the Complainants a second set of interrogatories and document requests ("Company's Set II Discovery Requests") via first class mail.

21. On September 5, 2019, the Company's Motion to Compel was dismissed as moot per an Interim Order.

22. On September 9, 2019, the Company submitted objections to portions of Complainants' Set I Discovery Requests.

23. On September 10, 2019, the Company re-submitted the Company's Discovery Requests, Set I.

24. On September 4, 2019, the Company submitted a status report.

25. On September 20, 2019, the Company submitted an additional status report.

26. On September 23, 2019, the Company submitted responses to the Complainants' Set I Discovery Requests.

27. On October 1, 2019, a Call In Evidentiary Hearing Telephonic Notice was issued.

28. On October 4, 2019, a Prehearing Order was issued.

29. On October 18, 2019, the Company served its proposed exhibits.

30. Also on October 18, 2019, the Complainants filed a "Motion Per our Second Request for Our Inexorable Right to Have an In-Person Hearing with Americans with Disabilities Act Accommodations Removing All Wireless from the Hearing Area."

31. On October 22, 2019, a Hearing Cancellation/Reschedule and a Judge Change Notification was issued.

32. On November 20, 2019, the Complainants filed a "Motion to Delay Our Hearing Until the Outcome of the Pending Ten Appeals Against the Pernicious Smart Meters."

33. On December 13, 2019, a Prehearing Order was issued which denied the Complainants' request to delay the evidentiary hearing.

34. On January 3, 2020, the Complainants filed a "Motion to Stay the Hearing Given the Ensuing Facts for the Orderly Proceeding of Justice."

35. On January 7, 2020, the Company submitted its proposed exhibits.

36. On January 9, 2020, an Order was entered which, *inter alia*, denied the Complainants' Motion to Stay the Hearing, deeming the Complainants' request for accommodation at hearing moot, cancelled the in-person hearing scheduled for January 14 and 15, 2020, and directed a modified procedural schedule with a modified discovery schedule. Further, a Call-In Telephone Hearing Notice was issued. In addition, ALJ Heep ordered "That there will be no further continuances of this matter and failure to comply with deadlines or cooperate with discovery may result in dismissal." January 9, 2020 Order, Ordering Paragraph 14 (emphasis added).

37. On January 14, 2019, a Cancellation Notice was issued which cancelled the evidentiary hearings scheduled for January 14 and 15, 2020.

38. On January 15, 2020, the Complainants filed a "Motion to Supplement Exhibits for Continuing In-Writing Hearing."

39. On January 17, 2019, the Complainants filed what was labeled as a brief.

40. On January 28, 2020, in accordance with 52 Pa. Code § 5.341, the Company forwarded to the Complainants a third set of interrogatories and document requests ("Company's Set III Discovery Requests") via first class mail and UPS Overnight Delivery. A full copy of the Company's Discovery Requests is attached as Exhibit A and proof of delivery is attached as Exhibit B.

41. On January 29, 2020, the Complainants filed a "Motion for Judge Heep to Vacate Her Own Violation of Complainants' Right to Due Process and Right to Preserve Their Issues on Appeal In Her Preventing Their Use of Their Expert Witness" and "Motion and Request to Deputy Chief Administrative Law Judge Christopher Pell for a Different Judge Such As Administrative Judge DeVoe Whom We Previously Had."

42. On January 30, 2020, the Company filed a response to the Complainants' Motions.

43. On January 31, 2020, ALJ Heep issued an Order which, *inter alia*, denied the Complainants' motion to disqualify a presiding officer and grant the Complainants' motion for additional time to submit testimony and exhibits of their expert witness, William Bathgate. In addition, consistent with her prior January 9, 2020 Order, ALJ Heep ordered "That there will be no further continuances of this matter and failure to comply with deadlines or cooperate with discovery may result in dismissal." January 31 Order, Ordering Paragraph 11 (emphasis added).

44. On February 10, 2020, Met-Ed filed a Motion to Compel responses to the Company's Set III Discovery Requests. At the time it was filed, the Complainants had neither objected nor responded to any of the Company's Set III Discovery Requests.

45. On February 14, 2020, Met-Ed received a document entitled "Answers to Interrogatories Set III" from the Complainants. Therein, the Complainants objected to the Company's Set III Discovery Requests for the first time and refused to respond to Numbers 4-20 and 22-28 of the Company's Set III Discovery Requests. A true and correct copy of the Complainants' Answers to Interrogatories Set III is attached as Exhibit C.

46. On February 18, 2020, Met-Ed received a Motion to Quash the Motion to Compel dated, February 10, 2020. Therein, the Complainants erroneously assert that (a) Met-Ed invoked the incorrect timing for responses to discovery, (b) discovery ended in September 2019, and (c) Complainants responded to the Company's Set III Discovery Requests.

47. No order has yet been issued with respect to Met-Ed's February 10, 2020 Motion to Compel.

48. For the reasons more fully explained below, the Complainants' objections should be denied and the Complainants' should be required to fully and completed respond to the Company's discovery or the Complaint should be dismissed consistent with ALJ Heep's January 31, 2020 Order.

## **II. AMENDED MOTION TO COMPEL**

49. The Commission's regulations permit the discovery of "any matter, not privileged, which is relevant to the subject matter involved in the pending action." 52 Pa. Code § 5.321(c).

50. Generally speaking, this Commission applies a standard of relevance which is less restrictive than that required by parties to present information into the evidentiary record. It is not grounds for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c).

51. Discovery may be obtained regarding any matter relevant to the subject matter. Relevant evidence is evidence that tends to make an act at issue more or less probable. Moreover, evidence is relevant if it advances the inquiry in some degree and, thus, has probative value. Although the law does not furnish an absolute test of relevancy, the Pennsylvania Supreme Court follows a two-part analysis for determining relevance. In *Commonwealth v. Stewart*, 461 Pa. 274, 336 A.2d 282 (1975), the Court held that "[i]t must be determined first if the inference sought to be raised by the evidence bears upon a matter at issue in this case and, second, whether the evidence renders the desired inference more probable than it would be without the evidence. *Id.* at 284.

52. As noted in the Company's original Motion to Compel, the information sought here by the Company is relatively simple and straightforward. It is directly relevant and material to the issues raised by the Complainants in their Formal Complaint. The Company is entitled to the requested information to enable it to fully investigate what information the Complainants relied on to make the allegations they did in their Formal Complaint. Importantly, the crux of the Company's Set III Discovery Requests is to seek information related to the potential testimony of the Complainants' identified expert witness, Mr. William Bathgate.

53. The Complainants objected to the Company's Set III Discovery Requests and refused to respond to Numbers 4-20 and 22-28 on several frivolous grounds.

54. First, the Complainants incorrectly assert that discovery "ended" in September of 2019. *See* Answers to Interrogatories Set III, pp. 2-6 (objecting to Numbers 4, 6-20, 22-28). However, the Company was specifically granted additional time to conduct discovery regarding the Complainants' identified expert witness, Mr. William Bathgate, in ALJ Heep's January 9, 2020 Order. *See* January 9, 2020 Order, Ordering Paragraph 5 ("That given that the Complainant did not identify Mr. Bathgate as an expert witness until shortly before the scheduled hearing, Respondent is permitted to engage in discovery regarding Mr. Bathgate and amend its expert witness list as necessary." (emphasis added)). The Complainants' attempts to frustrate the Company's discovery efforts, first by delaying their identification of Mr. Bathgate as a witness until the eve of a prior hearing date, and now by refusing to respond to discovery regarding Mr. Bathgate, should be denied.

55. Second, the Complainants' object to Number 5 of the Company's Set III Discovery Requests on the ground that "Mr. Bathgate cannot conduct measures which are germane to this interrogatory until March 30, 2020." *Answers to Interrogatories Set III*, p. 2.

Met-Ed submits that this object should be denied as the Complainants have had ample time for Mr. Bathgate to gather the information necessary to testify on the Complainants' behalf. These proceedings have been ongoing since February 2019 and the Complainants have had ample time for Mr. Bathgate to prepare to testify on their behalf.

56. Third, the Complainants object to Numbers 8, and 13-14 of the Company's Set III Discovery Requests on the ground that these questions have been previously "asked and answered." *See* Answers to Interrogatories Set III, pp. 3-4. While the Complainants fail to identify the response to a prior discovery request that provides the requested information, the Company notes that similar questions were asked in Numbers 9, 14 and 16 of the Company's Set II Discovery Requests. The Complainants' response to Number 9 of the Company's Set II Discovery Request reiterates the Complainants' argument that Mr. Bathgate has not had an opportunity to conduct a study at the Complainants' residence. Met-Ed responds to this meritless argument in Paragraph 55, above. In addition, the Complainants provided no responses to Numbers 14 and 16 of the Company's Set II Discovery Requests and asserted that Dr. Kracht did not exist. The Complainants cannot avoid discovery of highly relevant information sought by the Company's Set III Discovery Requests by relying upon incomplete, non-responses to past discovery requests that the Complainants similarly refused to answer. Therefore, the Complainants' objection should be denied.

57. Fourth, the Complainant further objects to Number 17 of the Company's Set III Discovery Requests on the ground that "there is no personage named Roy Cummings." *See* Answers to Interrogatories Set III, p. 3. The Complainants' objection is without merit; Roy Cumming is one of the Complainants in this case, resides at the service address at issue, and is the husband of Liza Mousios. Number 17 of the Company's Set III Discovery Requests simply

seeks the complete medical records of Dr. Kracht, one of the Complainants' identified expert witnesses, for Roy Cumming. This information is highly relevant to the Complainants' alleged medical claims and the Company's defense against such claims. Indeed, the requested information is necessary to determine the veracity of Mr. Cumming's allegations in this case. As such, the Complainants' objection and attempt to deny the Company's due process rights and withhold this information should be denied.

58. Fifth, the Complainants further object to Number 22 of the Company's Set III Discovery Requests on the ground that it is "Also N/A [not applicable]." *See* Answers to Interrogatories Set III, p. 4. Number 22 of the Company's Set III Discovery Requests seeks copies of all measurements or calculations of RF fields at the Complainants' residence, workplaces and/or neighborhood taken by Dr. Kracht. This information is relevant to the Complainants' alleged medical claims; specifically, the bases and reasons for Dr. Kracht's alleged medical diagnoses. This information is highly relevant to the Complainants' claims and is necessary for the Company to prepare its defense against such claims. As such, the Complainants' objection and attempt to deny the Company's due process rights and withhold this information should be denied.

59. Furthermore, as noted above, the Complainants have submitted a Motion to Quash the Company's prior Motion to Compel. Therein, the Complainants lodged further objections to the Company's Set III Discovery Requests in response to the original Motion to Compel. With respect to the Complainants' erroneous assertion that discovery ended in September 2019, Met-Ed references and incorporates its prior response to this objection set forth in Paragraph 54, above. Regarding the Complainants' incorrect claim that Met-Ed invoked the incorrect timing for responses to discovery, the Complainants ignore the directive of ALJ Heep

in the January 9, 2020 Order, which requires responses to discovery requests to be served within five business days of receipt. *See* January 9, 2020 Order, Ordering Paragraph 6 (“That discovery responses are due within five business days of receipt of the discovery requests.”). ALJ Heep is granted the authority to modify procedural rules under the Public Utility Code and Commission’s regulations. 66 Pa.C.S. § 331(d)(4) (granting the presiding officer the authority to regulate the course of a hearing); 52 Pa. Code § 5.483(a) (“The presiding officer will have the authority...to schedule and impose reasonable limitations on discovery and to otherwise regulate the course of the proceeding.”). Lastly, with respect to the Complainants’ assertion that they responded to the Company’s Set III Discovery Requests in less than twenty days, Met-Ed references and incorporates its prior arguments in Paragraphs 52-59 of this Amended Motion to Compel. The Complainants have not fully and completely responded to these discovery requests and have instead opted to assert meritless objections in their untimely answers.

60. For these reasons, the Complainants’ objections in their Answers to Interrogatories Set III and in their Motion to Quash should be dismissed. The Company requests that the Complainants be directed to provide full and complete responses to the Discovery Requests to be received by the undersigned counsel for the Company within five business days after entry of an Order Granting the Motion to Compel.

61. The Commission’s regulations at 52 Pa. Code § 5.371 address the consequences of a participant’s failure to comply with the Commission’s discovery regulations. Section 5.371 provides that:

- (a) The Commission or the presiding officer may, on motion, make an appropriate order if one of the following occurs:
  - (1) A party fails to appear, answer, file sufficient answers, file objections, make a designation or otherwise respond to discovery requests, as required under this subchapter.

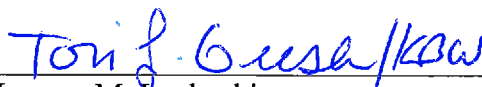
62. Further, 52 Pa. Code § 5.372 provides that the presiding officer may impose appropriate sanctions upon a party found to be found in violation of the obligations set forth in the Commission's regulations.

63. The Complainants' refusal to answer the lion's share of the Company's Set III Discovery Requests demonstrates their lack of cooperation and willingness to participate in this proceeding as required under the Commission's regulations. Moreover, the Complainants' refusal to respond to discovery requests is in direct violation of both ALJ Heep's prior January 9, 2020 Order and ALJ Heep's January 31, 2020 Order. Therefore, and for the reasons more fully explained above, the Formal Complaint in this proceeding should be dismissed in its entirety.

WHEREFORE, Metropolitan Edison Company respectfully requests that the Commission issue an Order compelling the Complainants to fully and completely respond to the Discovery Requests such that the responses are received by counsel for the Company no later than five business days after entry of an Order on the Amended Motion to Compel. Further, in the event the Complainants do not comply with the Order directed by the Commission and fail to respond to the Company's Discovery Requests, the Company respectfully requests that the Commission dismiss in its entirety the consolidated Formal Complaints of Liza Mousios and Roy Cumming.

Respectfully submitted,

Dated: February 19, 2020

  
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Counsel for Metropolitan Edison Company



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

January 28, 2020

**VIA FIRST CLASS MAIL AND UPS OVERNIGHT DELIVERY**

Liza Mousios  
P.O. Box 116  
Revere, PA 18953

Roy Cumming  
P.O. Box 396  
Revere, PA 18953

**Re: Liza Mousios & Roy Cumming v. Metropolitan Edison Company**  
**Docket No. C-2019-3007989, C-2019-3007995**

Dear Ms. Mousios and Mr. Cumming:

Enclosed please find the Interrogatories and Requests for Production of Documents (Set III) to Liza Mousios and Roy Cumming. Pursuant to 52 Pa. Code §§ 5.341 and 5.349, *et seq.*, your answers are due within five days of service of this letter (February 3, 2020). In addition, any objections are due within three days of service of this letter (January 31, 2020). This document has been served as indicated within the Certificate of Service.

Please review this at your earliest convenience. If you have any questions, please feel free to reach out.

Very truly yours,

Tori L. Giesler

Enclosures

c: As Per Certificate of Service  
The Honorable Darlene D. Heep, Public Utility Commission (Cover Letter and Certificate)  
Rosemary Chiavetta, Esq., Public Utility Commission (Cover Letter and Certificate)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**LIZA MOUSIOS AND ROY CUMMING** :  
 :  
 v. : **Docket No. C-2019-3007989**  
 : **C-2019-3007995**  
**METROPOLITAN EDISON COMPANY** :

**INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS OF  
METROPOLITAN EDISON COMPANY TO LIZA MOUSIOS AND ROY CUMMING,  
SET III**

Metropolitan Edison Company hereby propounds these Interrogatories and Requests for Production of Documents (Set III) to Liza Mousios and Roy Cumming (the “Complainants”). Telephone or other contact concerning availability and timing of formal responses is encouraged. The answer to each interrogatory should be started on a new page. The answers should restate the question asked and indicate the person(s) supplying the information.

Pursuant to 52 Pa. Code § 5.342, you must send your answers to me within 5 days (February 3, 2020) and objections within 3 days (January 31, 2020). Your answers and objections should not be filed with the Pennsylvania Public Utility Commission. You should only file the cover letter and certificate of service, with the Commission’s Secretary Rosemary Chiavetta and send a copy to Administrative Law Judge Darlene D. Heep. If you have any objection to any of the interrogatories or the request for documents, please identify the interrogatory or request and state your objection in full as to why you should not have to answer/produce it. Any objection not raised within the 10-day period provided for by 52 Pa. Code § 5.342(c) will be deemed waived and you will not be permitted to raise the objection at a later time.

Dated: January 28, 2020

### INSTRUCTIONS

A. In answering these Interrogatories and Requests for Production of Documents, please furnish all information available to you, including any such information possessed by others that you can obtain, and not merely such information known of your own personal knowledge. If you cannot answer the Interrogatories and Requests in full after exercising due diligence to secure the information to do so, so state and answer to the extent possible.

B. Other than for the reasons identified herein, you must provide an answer to all Interrogatories and Requests for Production of Documents. If the answer to the question is “none” or “unknown,” such statement must be written in the answer. If you consider the question to be inapplicable, “N/A” must be written in the answer. If an answer is omitted because of a claim of privilege, the basis of privilege is to be stated.

C. If the answer to any of the Interrogatories and Requests for Production of Documents is that you lack knowledge of some or all of the requested information, describe all efforts made by you to obtain the information necessary to answer that Interrogatory or Request.

D. These Interrogatories and Requests for Production of Documents are to be deemed continuing in nature, and you shall promptly supply, by way of supplemental response, any additional responsive information that may become known to you or anyone acting on your behalf after your answers have been prepared or served.

E. As used herein, the terms “Complainants” and “you” refer to Liza Mousios, Roy Cumming and their attorneys, agents, representatives, or anyone else working on their behalf.

F. As used herein, the terms “Company” or “Respondent” refer to Metropolitan Edison Company, and any agent, agency, or affiliate thereof.

G. As used herein, the term “proceeding” refers to the instant complaint proceeding at the Pennsylvania Public Utility Commission at Docket No. C-2019-3007989 and C-2019-3007995.

H. As used herein, the terms “service location,” “property,” or “home” refer to your service address of 68 Marienstein Road, Revere, Pennsylvania 18953.

I. As used herein, the term “household” refers to you and all other individuals who reside at the service location.

J. As used herein, the terms “document” or “documentation” includes any written, printed, typed, recorded, or graphic matter, whether produced or reproduced or stored on paper, cards, tapes, film, electronic facsimile, computer storage devices or any other devices or media, including, but not limited to papers; books; letters; photographs; objects; tangible things; correspondence; e-mails; websites; webpages; telegrams; cables; telex messages; memoranda; medical records; notes; notations; records; work papers; transcripts; minutes; reports and recordings of telephone or other conversations, or of interviews, or of conferences, or of other meetings; affidavits; statements; opinions; proposals; reports; surveys; plans; studies; analyses; audits; evaluations; contracts; agreements; journals; statistical records; invoices; receipts; desk calendars; appointment books; diaries; lists; tabulations; summaries; sound recordings; computer printouts; data processing input and output; microfilms; all records kept by electronic, photographic, or mechanical means; and things similar to any of the foregoing, however denominated. When one or more of the foregoing documents is requested or referred to, the request or reference shall include, but is not limited to, the original and each and every copy and draft thereof having writings, notations, corrections, or markings unique to such copy or draft.

K. As used herein, all other words are to be given their ordinary and usual meanings, according to a current edition of Webster's Dictionary.

**INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS OF  
METROPOLITAN EDISON COMPANY TO LIZA MOUSIOS AND ROY CUMMING,  
SET III**

1. Please provide a full copy of the curriculum vitae (CV) of William Bathgate (Mr. Bathgate), including, but not limited to, a complete listing of educational and work experience, degrees earned, professional certifications, and scientific publications.
2. Please identify the jurisdictions in which Mr. Bathgate is licensed as a professional engineer and provide a copy of his licensure(s).
3. Please provide copies of all measurements and calculations Mr. Bathgate has made of radio frequency ("RF") fields at your residence, workplaces, and in your residential neighborhood.
  - (a) For each measurement, identify the name, manufacturer, and model of the device used for the measurement, the date on which the measurement was made, and the location at which the measurement was made.
4. Please provide a full, as-published copy of each scientific study that provides a basis for any of Mr. Bathgate's expert opinions in this case, including, but not limited to, the following opinions identified in your Witness List:
  - (a) "the physical harm to plaintiffs from the adjacent smart meter";
  - (b) "the dangerous radiation levels emanating from said meter";
  - (c) "the mendacity of the electric companies regarding the actual amount of radiation, dirty electricity and secondary antennae effect".

5. Please identify each “physical harm to plaintiffs” about which Mr. Bathgate intends to testify, and for each such “physical harm” provide copies of any medical evaluation, testing and/or diagnosis conducted by Mr. Bathgate.
6. Please identify the “dangerous radiation levels” you claim will be emitted by the advanced metering infrastructure (AMI) meter being used by the Company and provide copies of all calculations and measurements of RF fields at your residence, workplaces, and or in your residential neighborhood.
  - (a) For each measurement, identify the name, manufacturer, and model of the device used for the measurement, the date on which the measurement was made, and the location at which the measurement was made.
7. Please identify the “actual amount of radiation” you claim will be emitted by the AMI meter being used by the Company and provide copies of all calculations and measurements of RF fields at your residence, workplaces, and in your residential neighborhood.
  - (a) For each measurement taken to determine the “actual amount of radiation,” identify the name, manufacturer, and model of the device used for the measurement, the date on which the measurement was made, and the location at which the measurement was made.
8. Please describe what you mean by “dirty electricity”, identify how the AMI meter being used by the Company will cause “dirty electricity” in your residence and

- provide copies of all calculations and measurements of such “dirty electricity” at your residence.
9. Please describe what you mean by “secondary antenna effect”, identify how the AMI meter being used by the Company will cause a “secondary antenna effect” and provide copies of all calculations and measurements of such “secondary antenna effect” at your residence.
  10. Please provide copies of all documents you provided to Mr. Bathgate, including, but not limited to, all medical records, statements about RF health claims, and measurements or calculations of any electromagnetic fields (“EMF”), RF fields, transients, harmonics, or so-called “dirty electricity” on your property and/or in your residence.
  11. Please identify each communication between Mr. Bathgate and any fact or expert witness you have identified, whether face to face, by telephone, by electronic mail, text, facsimile or other electronic communication, letter, or by any other means.
    - (a) For each in person meeting or communication by telephone call, please provide the date, time and length of each meeting or communication, and a description of what was said.
    - (b) For each written communication, please provide a copy of the communication.
  12. Please identify each instance when Mr. Bathgate has previously appeared as an expert witness, and, for each such instance, provide: (a) the full names of the

parties and the name and docket number, if any, of the matter; (b) the court, agency, or other entity which held the proceeding in which Mr. Bathgate appeared; (c) a copy of all expert reports and/or disclosures prepared by Mr. Bathgate; and (d) the transcripts of all testimony given by Mr. Bathgate.

13. Please provide a copy of the CV of Dr. William Kracht (Dr. Kracht), including, but not limited to, a complete listing of educational and work experience, degrees earned, professional certifications, and scientific publications.
14. Please provide a copy of Dr. Kracht's complete medical record for Liza Mousios, including, but not limited to, any medical evaluation and testing that provides the basis for Dr. Kracht's diagnosis that Liza Mousios experiences "electromagnetic sensitivity", including any reports showing that Liza Mousios is sensitive to the specific electromagnetic frequencies used by the Company's AMI meter.
15. Please identify all "health issues" that you claim Liza Mousios "never experienced prior to the adjacent smart meter installation."
16. Please identify all "previous health issues" for Liza Mousios that you claim "have been aggravated by the smart meter."
17. Please provide a copy of Dr. Kracht's complete medical record for Roy Cummings, including, but not limited to, any medical evaluation and testing that provides the basis for Dr. Kracht's diagnosis that Roy Cummings will experience any health issues related to any aspect of the AMI meter being used by the Company.

18. Please identify each communication you have had with Dr. Kracht, whether face to face, by telephone, by electronic mail, text message, facsimile, or other electronic communication, letter, or by any other means.
  - (a) For each in person meeting or communication by telephone call, please provide the date, time and length of each meeting or communication, and a description of what was said.
  - (b) For each written communication, please provide a copy of the communication.
19. Please provide copies of all documents that you received from Dr. Kracht, including, but not limited to, all medical reports, health evaluations and treatment recommendations, and measurements, calculations, studies, and other analyses related to EMF, RF and/or any aspect of the AMI meter being used by the Company.
20. Please provide a full, as-published copy of each scientific study that provides a basis for any of Dr. Kracht's opinions in this case.
21. Please provide copies of any and all additional materials that provide any basis for Dr. Kracht's opinions in this case.
22. Please provide copies of all measurements or calculations Dr. Kracht has made of RF fields at your residence, workplaces or in your residential neighborhood.
  - (a) For each measurement, identify the name, manufacturer, and model of the device used for the measurements, the date on which the measurement was made, and the location at which the measurement was made.

23. Please identify each communication between Dr. Kracht and any fact or expert witness you have identified, whether face to face, by telephone, electronic message, text message, facsimile or other electronic communication, letter, or any other means.
- (a) For each in person meeting or communication by telephone call, please provide the date, time and length of each meeting or communication, and a description of what was said.
- (b) For each written communication, please provide a copy of the communication.
24. Please identify each instance when Dr. Kracht has previously appeared as an expert witness, and for each instance provide: (a) the full names of all of the parties, name and docket number, if any, of the matter; (b) the court, agency, or other entity which held the proceeding in Dr. Kracht appeared; (c) a copy of all expert reports or disclosures prepared by Dr. Kracht; and (d) the transcripts of all testimony given by Dr. Kracht.
25. Please provide a full copy of the CV of Ms. Donna Ott (Ms. Ott), including, but not limited to, a complete listing of educational and work experience, degrees earned, professional certifications, and scientific publications.
26. Please provide copies of all documents you provided to Ms. Ott, including, but not limited to, all medical records, statements about RF health claims, and measurements or calculations of any EMF, RF fields, transients, harmonics or so-called “dirty electricity” on your property and/or in your residence.

27. Please identify each communication between Ms. Ott and any fact or expert witness you have identified, whether face to face, by telephone, by electronic mail, text message, facsimile or other electronic communication, letter, or by any other means.
- (a) For each in person meeting or communication by telephone call, please provide the date, time and length of each meeting or communication, and a description of what was said.
  - (b) For each written communication, please provide a copy of the communication.
28. Please provide copies of all measurements and calculations Ms. Ott has made of RF fields at your residence, workplaces, and in your residential neighborhood.
- (a) For each measurement, identify the name, manufacturer, and model of the device used for the measurement, the date on which the measurement was made, and the location at which the measurement was made.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**LIZA MOUSIOS AND ROY CUMMING** :  
 :  
 :  
 v. : **Docket No. C-2019-3007989**  
 : **C-2019-3007995**  
 :  
**METROPOLITAN EDISON COMPANY** :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the Interrogatories and Requests for Production of Documents of Metropolitan Edison Company to Liza Mousios and Roy Cumming (Set III) 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 as follows:

Liza Mousios  
P.O. Box 116  
Revere, Pennsylvania 18953

Roy Cumming  
P.O. Box 396  
Revere, PA 18953

Service by UPS Overnight Delivery as follows:

Liza Mousios  
68 Marienstein Road  
Revere, Pennsylvania 18953

Roy Cumming  
68 Marienstein Road  
Revere, PA 18953

Dated: January 28, 2020

  
\_\_\_\_\_  
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

# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

**Tracking Number**

1ZAE14401361986696

**Weight**

0.00 LBS

**Service**

UPS Next Day Air Saver®

**Shipped / Billed On**

01/28/2020

**Delivered On**

01/29/2020 11:22 A.M.

**Delivered To**

OTTSVILLE, PA, US

**Received By**

DRIVER RELEASE

**Left At**

Front Door

Thank you for giving us this opportunity to serve you. Details are only available for shipments delivered within the last 120 days. Please print for your records if you require this information after 120 days.

Sincerely,

UPS

Tracking results provided by UPS: 02/07/2020 11:50 A.M. EST

Liza Maresca + Jay Cummins

C 2019-3007989

C 2019-3007995

vs

Met Bd

Answers to Interrogatories Set III

Nice try. Pursuant to PA 52 Code 5.349 (d) the party upon whom the request is served shall serve a <sup>written</sup> response within ten days for rate proceedings and twenty days after service of the request for ~~all~~ other cases.

Your fabricated three and five day deadlines are illegal. We already know you are venal and amoral. It is not necessary to go to such lengths to try to prove your moral turpitude.

Also Discovery ended!!

RECEIVED  
Feb 14 2020  
LEG. DEPT.

Roy Cummins  
Lito Moraes

2

- 1) Enclosed
- 2) See # 1
- 3) Mr. Bathgate cannot make such measurements until the end of March 2020.  
However, he is eminently aware and erudit in the dangerous effects of smart meters.  
a See 3 above.
- 4) Objection: See above answers,  
by way of further response, Discovery  
ended in September 2019.
- 5) Mr. Bathgate cannot conduct measurements which are germane to this interrogatory until March 30, 2020.
- 6) Objection. Discovery ended September 2019.  
a Objection, Discovery has ended. See # 5 and # 3.

Ray Cummins 3  
Lita Mausios

- 7) Objection. Discovery ended September 2019
- 8) Objection. Discovery ended September 2017
- 9) Asked and answered. By way of further response, Discovery ended September, 2019.
- 9) Objection. Discovery ended September 2019
- 10) Objection. Discovery ended September 2019
- 11) Objection. Discovery ended September 2019
- a) Objection. Discovery ended September 2019
- b) Objection. Discovery ended September 2019
- 12) Mr. Bathgate has testified before the PA legislature. By way of further response, Discovery ended September 2019. You had ample time to propound these interrogatories previously.

13) Objection. Asked and answered and  
Discovery ended September 2019.

14) Objection. Asked and answered and  
Discovery ended September 2019.

15) Objection. Discovery ended September  
2019.

16) Objection. Discovery ended  
September 2019.

17) Objection. Discovery ended September  
2019. By way of further response,  
there is no personage named Roy  
Cummins.

18) Objection. Discovery ended September 2019  
a Objection. Discovery ended September 2019.  
b Objection. Discovery ended September 2019.

(5)

- 19) Objection. Discovery ended September 2019
- 20) Objection. Discovery ended September 2019
- a) Enclosed
- 22) Objection. Discovery ended September 2019  
Also N/A.
- a) See 22. Objection as Discovery ended September 2019.
23. ~~Objection~~, Discovery ended September 2019.  
a) ~~Objection~~, Discovery ended September 2019.  
b) ~~Objection~~, Discovery ended September 2019.
- 24) Objection. Discovery ended September 2019.
- 25) Objection. Discovery ended September 2019.
- a) Objection. Discovery ended September 2019.

(6)

- 27) Objection. Discovery ended September 2018
- a) Objection. Discovery ended September 2018
- b) Objection. Discovery ended September 2018
- 28) Objection. Discovery ended September 2019
- a) Objection. Discovery ended September 2019

Lita Mousios Files 6/2020 Roy Cummins  
Lita Mousios 2/6/2020 Rylwin



01/12/2020

Liza Mousios  
P O. Box 116  
Revere, PA 18953-

To Whom It May Concern:

Since 1996, Ms. Mousios has resided the majority of the time at her home residence without incident. However, on or about March 27, 2019, she has been living in her car or tent since, beginning of the day after the a smart meter was installed at her adjacent next door neighbor's house. She continues to be itinerant, living in various locations including her car, a tent and intermittently at friends houses who do not have a smart meter or smart meter close to their house.

Prior to the instillation of the adjacent neighbors smart meter, she had been treated at our office for chronic kidney infections, multiple chemical intolerance syndrome and neuralgia pain from a motor vehicle accident.

However, she developed sudden and new symptoms upon the smart meter installation at the end of March, 2019. She was first evaluated at our office on 4/2/2019 with exposure related symptoms included stabbing chest pains, shortness of breath with tightness in the chest, headache, head and ear pressure with high-pitched ringing, joint and muscle pain. In addition she had new onset of vomiting blood and accompanying weight loss. At that office visit of 4/2/2019, she had physical examination findings revealing new thyroid fullness and swelling. Of note, and unrelated to her medical conditions, she also reports that her pet dogs began vomiting and losing weight.

Despite having to experience significant cold temperatures and wind conditions, her symptoms improved from living in her car or tent away from the smart meter. She also reported that when she was able to periodically stay with friends that did not have a smart meter nor any neighbor adjacent smart meter, her symptoms resolved. Anytime she would return to her residence, with the adjacent neighbor smart meter, her above-stated symptoms would return.

On 5/31/2019, at a follow up office visit, after the patient left her residence to avoid smart meter exposure, she had a repeat thyroid exam that was entirely normal.

In my medical opinion, to a reasonable degree of medical certainty, Ms. Mousios has electromagnetic hypersensitivity. Her smart meter exposure symptoms consistently recur upon exposure and dramatically improve with avoidance measures. The current smart meter at her adjacent neighbors home prevents her from residing in her residence in which she has a piano, and a companion, heat, shower and a bed. She is a professional musician and her piano is required in order for her to perform her music profession. Consequently, I medically recommend that her neighbors smart meter be removed or relocated at a significant distance from Ms. Mousios' residence.

Sincerely,

Provider:

Kracht DO, William 01/12/2020 3:58 PM

Document generated by: William Kracht 01/12/2020

Woodlands Healing Research Center  
Integrative Family Medicine  
5724 Clymer Rd., Quakertown, PA 18951  
[www.woodmed.com](http://www.woodmed.com) / [foffice@woodmed.com](mailto:foffice@woodmed.com)  
Phone: 215-536-1890 / Fax: 215-529-9034

**William S. Bathgate**

*Certifications - PMP, ITIL, COBIT, CISA, CRISC, CISM, CGEIT*  
US DOD Top Secret Security Clearance  
Bachelors of Sciences, Western Illinois University  
[bill.bathgate@gmail.com](mailto:bill.bathgate@gmail.com)  
10909 Monticello Road  
Pinckney, MI 48169  
256-529-1076

**Global Technology Professional**

**Professional Work History**

**2015 - 2018 TATA Consulting, Fiat Chrysler Automotive Account – Current Position**

2015 – 2018 Global Program Manager – Auburn Hills, MI

Manager of Global Programs for enhancements of systems for MOPAR, Secure Vehicle. U-Connect Radio Systems, Connected Vehicle and Autonomous Vehicles. Reports directly to FCA Director of Systems Planning.

**2009 - 2015 Emerson Electric Corporation, Avocent Division**

2009 – 2015 Global Engineering Program Manager, Emerson Corporation, Avocent Div. – Huntsville, AL

Program Manager of a power distribution products portfolio. Responsible for global engineering development and release of newly developed electrical products engineered in the USA and Germany but built in Mexico and Czech Republic. This product is called MPH and MPH II. This is a computer network controlled high voltage and high amperage load control device engineered for worldwide installations adapted for each local countries either three phase and single phase AC distribution grid. As Program Manager I also provided direction and oversight of product safety testing and certifications, such as UL, CSA, CE, and PSE for product safety compliance in over 100 countries. So far over 1 Million units of the products I developed are in service. This role reported to the Vice President of Engineering of Emerson's Avocent Division.

**1995–2009 Hewlett-Packard Co.**

1995-2009 Managing Director, Computer Systems Engineering

Now this division is called "Keysight Technologies". Developed new automated instrument calibration systems and new circuit designs for oscilloscopes, high precision DC power supplies, EMI & EMC Measurements, Phase Noise, Physical Layer Test Systems, RF & Microwave Test Accessories, Device Current Waveform Analyzers, AC and DC power analyzers. Network analyzers and vector signal analyzers.

**1983–1995 IBM Corporation**

1983-1995 IBM Corporation, Electronic Systems Engineer, Systems Division – Armonk, New York

Developed Mainframe computer CPU, Memory and Input and Output peripherals for S/370 and S/3090 platforms. Part of the design team for the first IBM PC products, responsible for power supplies, main computer circuit boards and Operating Systems integration. Also assigned to NASA in Houston, Cape Canaveral and Marshall space flight centers for launch control and space vehicle telecommunications using high frequency and microwave RF signals.

**1977–1983 Textron Corporation**

1977-1983 Textron Corporation, Sundstrand Division, Control Systems Engineer – Rockford, IL

Developed Electronic Control Systems for control of Aerospace applications generating power for inflight services, control of engine start, elevators, rudder and aileron controls. Subcontractor to Lockheed Martin for enhancements to the flight data recorder (Black Box) improving circuit mountings for improved crash survival.

Developed control systems for off road construction equipment such as cement mixers, combines, bulldozers and high rise cranes.

### **Industry Certifications & Expertise**

Certified Project Management Professional (PMI/PMP)  
Certified in Governance of Enterprise IT (CGEIT)  
Certified in Risk and Information Systems Control (CRISC)  
Certified Information Systems Auditor (CISA)  
Certified Information Security Manager (CISM)  
Certified in Control Objectives of IT (COBIT)  
Certified in Information Systems IT Infrastructure Library (ITIL) for Operations, Design and Configuration

FCC Amateur Extra Class License Holder  
FCC Land Mobile License Holder  
FCC Marine Mobile License Holder

High tech power management systems, UPS and power distribution  
Switched Mode Power Supplies  
Electrical and Electronic hardware engineering  
Computer systems engineering  
Radio Systems design and testing  
High Current and High Voltage switches  
Internet communications using both wired and wireless technologies  
UL, CE (Europe), Africa, Japan, Australia and China product safety certifications  
Cyber encryption and protection of Radio Communications using digital signals  
RFI/EMI mitigation

Hold a US DOD Top Secret Clearance and am an instructor of information security encryption control and compliance to the US Missile Defense Agency, NASA, and US Department of Homeland Security.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>LIZA MOUSIOS AND ROY CUMMING</b>	:	
	:	
v.	:	<b>Docket Nos. C-2019-3007989</b>
	:	<b>C-2019-3007995</b>
<b>METROPOLITAN EDISON COMPANY</b>	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the Amended Motion to Compel of Metropolitan Edison Company 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:

Liza Mousios  
P.O. Box 116  
Revere, PA 18953

Administrative Law Judge Darlene D. Heep  
Pennsylvania Public Utility Commission  
801 Market Street  
Philadelphia, PA 19107

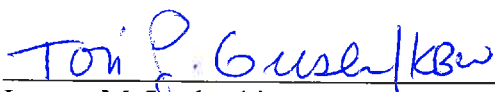
Roy Cumming  
P.O. Box 396  
Revere, PA 18953

Service by UPS Overnight Delivery, Postage prepaid, as follows:

Roy Cumming  
68 Marienstein Road  
Revere, PA 18953

Liza Mousios  
68 Marienstein Road  
Revere, PA 18953

Dated: February 19, 2020

  
\_\_\_\_\_  
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](mailto:llepkoski@firstenergycorp.com)  
[tgiesler@firstenergycorp.com](mailto:tgiesler@firstenergycorp.com)