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March 11, 2020

VIA ELECTRONIC FILING

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

Re: Noreen McCarthy v. Metropolitan Edison Company
Docket No. C-2019-3006923

Dear Secretary Chiavetta:

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

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

Very truly yours,

Tori L. Giesler/KBW

Tori L. Giesler

krak
Enclosures

c: As Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

NOREEN MCCARTHY

v.

METROPOLITAN EDISON COMPANY

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Docket No. C-2019-3006923

NOTICE TO PLEAD

TO: Noreen McCarthy

Pursuant to 52 Pa. Code § 5.102(b), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion to Compel of Metropolitan Edison Company within **five (5) 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 Jeffrey A. Watson
Pennsylvania Public Utility Commission
Piatt Place, Suite 220
301 5th Avenue
Pittsburgh, PA 15222

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

Date: March 11, 2020



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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

NOREEN MCCARTHY

v.

METROPOLITAN EDISON COMPANY

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Docket No. C-2019-3006923

**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 Motion to compel Noreen McCarthy (“Complainant”) to provide full and complete responses to interrogatories and document requests issued by the Company on February 14, 2020. In support thereof, the Company avers as follows:

I. BACKGROUND

1. On January 7, 2019, the Complainant filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission”) regarding her electric service at 18 Millstone Lane, Pottstown, Pennsylvania 19465 (“Service Location”), which was electronically served on the Company that same date.

2. On January 28, 2019, the Company filed its Answer and New Matter denying the material allegations in the Formal Complaint. On that same day, the Company also filed Preliminary Objections to the Formal Complaint.

3. On February 12, 2019, the Complainant filed a response to the Company’s Preliminary Objections.

4. On February 15, 2019, the Complainant filed a response to the Company's Answer and New Matter.
5. On February 22, 2019, a Motion Judge Assignment Notice was issued assigning Administrative Law Judge ("ALJ") Jeffrey A. Watson to this proceeding.
6. On March 11, 2019, the Complainant filed an Amended Formal Complaint with the Commission regarding the Service Location, which was electronically served on the Company that same date.
7. On March 19, 2019, ALJ Watson issued an Interim Order denying the Company's Preliminary Objections.
8. Also on March 19, 2019, ALJ Watson issued an Interim which established an initial litigation schedule 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 discovery deadline of July 1, 2019.
9. On April 1, 2019, the Company filed its Answer and New Matter denying the material allegations in the Amended Formal Complaint.
10. Also on April 1, 2019, in accordance with 52 Pa. Code § 5.341, the Company forwarded 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.
11. On April 8, 2019, the Complainant filed a Motion requesting an extension of the litigation schedule and a four-month extension to respond to the Company's Discovery Requests.

12. On April 24, 2019, an Interim Order Revising Litigation Schedule and Deadline to Respond to the Company's Discovery Requests was issued.

13. Also on April 24, 2019, the Complainant filed a response to the Company's Answer and New Matter to the Amended Formal Complaint and provided responses to the Company's Discovery Requests. The responses were incomplete at best. For a large number of questions, the Complainant simply responded "not applicable," "irrelevant" or "premature" claiming that she was still researching or that she was awaiting information from the Company, which hadn't even been requested at that point, and then provided no documentation whatsoever in response to the request for production of documents.

14. The Complainant did not file any objection to the Company's Discovery Requests.

15. On June 13, 2019, the Complainant propounded interrogatories and a request for production of documents upon the Company ("Complainant's Discovery Requests").

16. On June 24, 2019, the Company submitted limited objections to the Complainant's Discovery Requests to the Complainant.

17. On June 27, 2019, the Complainant submitted correspondence to the Company in response to the Company's Objections.

18. On June 28, 2019, the Company provided responses to Complainant's Discovery Requests.

19. Also on June 28, 2019, in accordance with the Interim Order Revising Litigation Schedule, the Company submitted notification of its anticipated witnesses.

20. On July 1, 2019, the Complainant submitted a letter setting forth her anticipated fact and expert witnesses.

21. On July 2, 2019, the Company filed a response to the Complainant's letter of June 27, 2019.

22. On July 8, 2019, ALJ Watson received a second request from the Complainant to extend the litigation schedule.

23. On July 24, 2019, ALJ Watson issued an Interim Order which revised the litigation schedule and provided a deadline to respond to discovery requests. The Complainant was directed to serve any appropriate objections to the Company's Discovery Requests on or before August 2, 2019 and serve full and complete responses to the Company's Discovery Requests on or before August 30, 2019.

24. On August 21, 2019, the Complainant filed a document she entitled a "Second Amended Formal Complaint."¹

25. On September 12, 2019, in accordance with the Interim Order Revising Litigation Schedule, the Company again submitted notification of its anticipated witnesses.

26. By correspondence dated September 27, 2019, the Complainant submitted a third request for an extension of time due to her disability.

27. On October 3, 2019, an Interim Order granting the Complainant's third request for an extension of the litigation schedule was issued.

28. On October 4, 2019, a Call-In Telephone Hearing Notice was issued which scheduled a telephonic hearing for May 5 and 6, 2020.

29. On November 5, 2019, the Complainant submitted to the Commission a request for accommodation under the terms of the American's with Disabilities Act. Counsel for the Company was not copied on the request.

¹ The Commission's Secretary's Bureau docketed this filing as a case related document entitled "Additional Information to Formal Complaint" which is publicly available on the Commission's website.

30. On December 26, 2019, ALJ Watson issued a letter in response to the Complainant's request for accommodation wherein he stated, *inter alia*, that in order to consider the Complainant's request for accommodation, the Complainant needed to provide specific information regarding her disability and documentation substantiating her disability, as well as the specific accommodation sought not later than January 20, 2020.

31. On February 6, 2020, the Complainant forwarded to the Company a second set of interrogatories and requests for production of documents ("Complainant's Set II Discovery Requests").

32. On February 14, 2020, in accordance with 52 Pa. Code § 5.341, the Company forwarded to the Complainant a second set of interrogatories and document requests ("Company's Set II Discovery Requests") as well as a proposed stipulated protective agreement via electronic and first class mail. In the Company's Set II Discovery Requests, the Company sought additional information and documents related to the Complainant's allegations regarding the Company's smart meters. A full copy of the Company's Set II Discovery Requests is attached as Exhibit A.

33. On February 18, 2020, the Company forwarded to the Complainant its limited objections to Complainant's Set II Discovery Requests.

34. On February 18, 2020, the Complainant submitted a Motion for Stay.

35. On February 24, 2020, the Complainant filed a Certificate of Service stating that she had sent a letter dated January 16, 2020 to "Chief ALJ Rainey, Special Agent Arnold who delivered it to Deputy ALJ Cheskis, and ALJ Watson requesting reassignment to an alj that has knowledge of working with ADA accommodated people." While the Company was served with the Certificate of Service, it was not served with any correspondence from the Complainant dated January 16, 2020.

36. On February 26, 2020, the Company provided responses Complainant's Set II Discovery Requests, which were limited to the questions to which the Company did not previously object, as well as an Answer to the Complainant's Motion for Stay.

37. On February 26, 2020, the Complainant filed a Motion to Dismiss the Company's Objections to Complainant's Set II Discovery.

38. On February 27, 2020, the Company filed a response to the Complainant's Motion to Dismiss the Company's Objections to Complainant's Set II Discovery Requests.

39. The Complainant has not provided any supplemental responses to the Company's Discovery Requests even though her responses claimed that she would provide additional information.

40. Further, the Complainant has not filed any objection to the Company's Set II Discovery Requests and has not provided any responses or the requested documents by the due date. To date, no response to the Company's Set II Discovery Requests or telephone call has been received from the Complainant

II. MOTION TO COMPEL

41. 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).

42. 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).

43. 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.

44. The information sought here by the Company is relatively simple and straightforward. It is directly relevant and material to the issues raised by the Complainant in her Formal Complaint. The Company is entitled to the requested information to enable it to fully investigate what information the Complainant relied on to make the specific and detailed allegations she did in her Formal Complaint. If the Complainant needed more time to answer the Company’s Set II Discovery Requests, she could have contacted the Company to request an extension.

45. 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.

46. 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.

47. As a result of the Complainant's failure to provide any response to the Company's Set II Discovery Requests, which demonstrates her lack of cooperation and willingness to participate in this proceeding as required under the Commission's regulations, the Formal Complaint in this proceeding should be dismissed in its entirety.

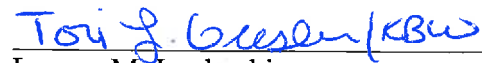
48. The Company requests that the Complainant be directed to provide full and complete responses to the Company's Set II Discovery Requests to be received by the undersigned counsel for the Company within five business days after entry of an Order Granting the Motion to Compel.

49. In the event the Complainant is directed by the Commission to respond to the Company's Set II Discovery Requests, but fails to, the Company respectfully requests that the Complaint against the Company be dismissed in its entirety.

WHEREFORE, Metropolitan Edison Company respectfully requests that the Commission issue an Order compelling the Complainant to fully and completely respond to the Company's Set II 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 Motion to Compel. Further, in the event the Complainant does not comply with the Order directed by the Commission, and fails to respond to the Company's Set II Discovery Requests, the Company respectfully requests that the Commission dismiss in its entirety the Formal Complaint of Noreen McCarthy.

Respectfully submitted,

Dated: March 11, 2020



Lauren M. Lepkoski

Attorney No. 94800

Tori L. Giesler

Attorney No. 207742

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Counsel for Metropolitan Edison Company



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

February 14, 2020

VIA FIRST CLASS MAIL

Noreen McCarthy
18 Millstone Lane
Pottstown, PA 19465

Re: Noreen McCarthy v. Metropolitan Edison Company
Docket No. C-2019-3006923

Dear Ms. McCarthy:

Enclosed please find the Interrogatories and Requests for Production of Documents (Set II) to Noreen McCarthy. Pursuant to 52 Pa. Code §§ 5.341 and 5.349, *et seq.*, your answers are due within twenty days of service of this letter (March 5, 2020). In addition, any objections are due within ten days of service of this letter (February 24, 2020). This document has been served as indicated within the Certificate of Service.

In addition to this material, I have enclosed a proposed protected agreement for your consideration. Please review this at your earliest convenience. If you have any questions, please feel free to reach out. If you have no questions, please sign and sent it back to me.

Very truly yours,

Tori L. Giesler

Enclosures

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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

NOREEN MCCARTHY :
 :
 v. : **Docket No. C-2019-3006923**
 :
METROPOLITAN EDISON COMPANY :

**INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS OF
METROPOLITAN EDISON COMPANY TO NOREEN MCCARTHY, SET II**

Metropolitan Edison Company hereby propounds these Interrogatories and Requests for Production of Documents (Set II) to Noreen McCarthy (the “Complainant”). 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 20 days (March 5, 2020) and objections within 10 days (February 24, 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 Jeffery A. Watson. 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: February 14, 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 “Complainant” and “you” refer to Noreen McCarthy and her attorneys, agents, representatives, or anyone else working on her 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-2019-3006923.

H. As used herein, the terms “service location,” “property,” or “home” refer to your service address of 18 Millstone Lane, Pottstown, Pennsylvania 19465.

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 NOREEN MCCARTHY, SET II**

1. Please provide a full copy of Dr. Tania Slawecki's ("Dr. Slawecki") Curriculum Vitae ("CV"), including, but not limited to, a complete listing of her educational and work experience, degrees earned, professional certifications, and scientific publications.
2. In the event Dr. Slawecki intends to provide any testimony at hearing about radio frequency ("RF") fields, advanced metering infrastructure ("AMI") meters and any aspect of human or animal health, please identify each opinion she intends to offer and for each describe in detail the scientific and/or medical basis for the opinion.
3. Please provide a full, as published, copy of each scientific study that provides a basis for any opinion Dr. Slawecki intends to offer at hearing.
4. Please provide a full, as published, copy of each scientific study on which Dr. Slawecki is listed as an author and which addresses any aspect of RF fields and human and/or animal health.
5. Please identify and provide a copy of any additional material that provides any basis for Dr. Slawecki's opinions in this case.
6. Please provide a copy of each document which Dr. Slawecki intends to testify about at hearing, including, but not limited to, any exhibits she intends to submit.
7. Please provide copies of all documents you provided to Dr. Slawecki, 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.

8. Please provide copies of all documents you received from Dr. Slawecki, including, but not limited to, all reports, evaluations, measurements, calculations, studies, and other analyses related to EMF, RF, and/or any aspect of the AMI meter being used by the Company.
9. If Dr. Slawecki relies on and/or intends to testify about any measurement of RF fields from any source, including, but not limited to, AMI meters, please provide a copy of the measurement and identify: (1) who made the measurement; (2) the name, manufacturer, and model of the device used for the measurement; (3) the date on which the measurement was made; (4) the location at which the measurement was made; and (5) who was present when the measurement was made.
10. If Dr. Slawecki relies on and/or intends to testify about any calculation of RF fields from any source, including, but not limited to, AMI meters, please provide a copy of the calculation and identify: (1) the individual who made the calculation; (2) the mathematical formula for the calculation; (3) each data input point used in the calculation; and (4) the source of the data.
11. Please identify each instance in which Dr. Slawecki has previously appeared as an expert witness, and for each instance provide: (1) the full names of all of the parties and the name of the matter; (2) the court, agency, or other entity which held the

- proceedings in which Dr. Slawecki appeared; (3) a copy of all expert reports, disclosures, or written testimony prepared or offered by Dr. Slawecki; and (4) the transcripts of all testimony given by Dr. Slawecki.
12. If Dr. Timothy D. Schoechle (“Dr. Schoechle”) will be offering testimony in this proceeding, please provide a full copy of Dr. Schoechle’s Curriculum Vitae (“CV”), including, but not limited to, a complete listing of his educational and work experience, degrees earned, professional certifications, and scientific publications.
 13. In the event Dr. Schoechle intends to provide any testimony at hearing about RF fields, AMI meters and any aspect of human and/or animal health, please identify each opinion he intends to offer and for each describe in detail the scientific and/or medical basis for the opinion.
 14. Please provide a full, as published, copy of each scientific study that provides a basis for any opinion Dr. Schoechle intends to offer at hearing.
 15. If Dr. Schoechle will be offering testimony in this proceeding, please provide a full, as published, copy of each scientific study on which Dr. Schoechle is listed as an author and which addresses any aspect of RF fields and human and/or animal health.
 16. Please identify and provide a copy of any additional material that provides any basis for Dr. Schoechle’s opinions in this case.
 17. Please provide a copy of each document about which Dr. Schoechle intends to testify at hearing, including, but not limited to, any exhibits he intends to submit.

18. If Dr. Schoechle will be offering testimony in this proceeding, please provide copies of all documents you provided to Dr. Schoechle, 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.
19. Please provide copies of all documents you received from Dr. Schoechle, including, but not limited to, all reports, evaluations, measurements, calculations, studies and other analyses related to EMF, RF, and/or any aspect of the AMI meter being used by the Company.
20. If Dr. Schoechle relies on and/or intends to testify about any measurement of RF fields from any source, including, but not limited to, AMI meters, please provide a copy of the measurement and identify: (1) who made the measurement; (2) the name, manufacturer, and model of the device used for the measurement; (3) the date on which the measurement was made; (4) the location at which the measurement was made; and (5) who was present when the measurement was made.
21. If Dr. Schoechle relies on and/or intends to testify about any calculation of RF fields from any source, including, but not limited to, AMI meters, please provide a copy of the calculation and identify: (1) the individual who made the calculation; (2) the mathematical formula for the calculation; (3) each data input point used in the calculation; and (4) the source of the data.

22. If Dr. Schoechle will be offering testimony in this proceeding, please identify each instance in which Dr. Schoechle has previously appeared as an expert witness, and for each such instance provide: (1) the full names of all of the parties and name of the matter; (2) the court, agency, or other entity which held the proceeding in which Dr. Schoechle appeared; (3) a copy of all expert reports, disclosures, or written testimony prepared or offered by Dr. Schoechle; and (4) the transcripts of all testimony given by Dr. Schoechle.
23. Please provide a full copy of Wes Zimmerman's ("Mr. Zimmerman") Curriculum Vitae ("CV"), including, but not limited to, a complete listing of his educational and work experience, degrees earned, professional certifications, and scientific publications.
24. Please identify and provide a copy of any material that provides any basis for Mr. Zimmerman's opinions in this case.
25. Please provide a copy of each document about which Mr. Zimmerman intends to testify at hearing, including, but not limited to, any exhibits he intends to submit.
26. Please identify each instance in which Mr. Zimmerman has previously appeared as an expert witness, and for each instance provide: (1) the full names of the parties and name of the matter; (2) the court, agency, or other entity which held the proceeding in which Mr. Zimmerman appeared; (3) a copy of all expert reports, disclosures, or written testimony prepared or offered by Mr. Zimmerman; and (4) the transcripts of all testimony given by Mr. Zimmerman.

27. Please specifically identify any legal training that Mr. Zimmerman has received and provide the dates on or during which Mr. Zimmerman received such legal training.
28. Has Mr. Zimmerman ever worked for a public utility company? If yes, please provide the name of each public utility company, the roles Mr. Zimmerman held while working for each public utility company, including a description of his work responsibilities in each role, and the dates during which Mr. Zimmerman held each role.
29. Has Mr. Zimmerman ever worked for an agency that regulated the operations and/or finances of a public utility company? If yes, please provide the name of each agency, the roles Mr. Zimmerman held while working for each agency, including a description of his work responsibilities in each role, and the dates during which Mr. Zimmerman held each role.
30. In your letter dated January 28, 2020, you indicate that Laura Sunstein Murphy (“Ms. Murphy”) will testify as a fact witness “regarding the harm she endured after her electromechanical analog meter was removed and replaced with an RF/microwave radiating device on her property.” Please provide the following information about this statement:
 - (i) Identify the utility company that provides Ms. Murphy with electric service.
 - (ii) Identify the specific make and model of the “RF/microwave radiating device” that was installed on her property.

- (iii) Identify the date on which the “RF/microwave radiating device” was installed on her property.
 - (iv) Please identify the specific harm(s) Ms. Murphy “endured after her electromechanical meter was removed and replaced with an RF/microwave radiating device on her property.”
 - (v) If Ms. Murphy alleges that she experienced negative health impacts as the result of the installation of the “RF/microwave radiating device on her property,” please identify the specific negative health impact and indicate the date on which Ms. Murphy first experienced the negative health impact, including identifying whether Ms. Murphy experienced the same and/or a similar health condition prior to the installation of the “RF/microwave radiating device on her property.”
31. In a filing dated August 21, 2019, which you entitled “Second Amended Formal Complaint (hereinafter, “Second Amended Complaint,”) you indicate that: “Nearly every jurisdiction has held that the word ‘shall’ does not definitively mean ‘must’.” Please provide legal citations supporting this allegation and specifically provide legal citations to any statute, regulation, administrative decision, or court decision from the Commonwealth of Pennsylvania that supports this allegation.
32. In the Second Amended Complaint, you state that: “A smart meter is a radio frequency radiating device which thousands of peer-reviewed studies have shown are detrimental to all living beings.” Please provide the following information related to this statement:

- (i) What documents do you rely on in support of this statement?
 - (ii) Do you intend to rely on these documents at the hearing in this proceeding?
 - (iii) Please describe in detail the information you have to support this statement.
 - (iv) Please provide a complete copy of any referenced study.
33. Please explain how the installation of a smart meter would cause or contribute to a health condition for any person in your household. Be as specific as possible.
34. Please provide the following information regarding your view that the installation of a smart meter at your home would cause or contribute to a health condition for any person in your household.
- (i) Please identify each document you rely on in support of your position.
 - (ii) Do you intend to rely on these documents at the time of the hearing in this proceeding?
 - (iii) Please describe in detail the information you have to support this position.
35. In your responses to the Company's First Set of Discovery Requests you indicated that: "There are many safety concerns related to smart meters and I am in the process of organizing the sources I am reading, watching, and listening to." Please provide the following information related to this statement:
- (i) Please identify the specific "safety concerns related to smart meters" that you believe exist.

- (ii) For each “safety concern[]” identified, please identify the specific documents you rely on in support of your belief that this concern exists.
 - (iii) For each “safety concern[]” identified, please describe in detail any information you have in support of the existence of that concern.
 - (iv) Please provide a copy of any document you rely on in support of any “safety concern[]” identified.
36. Do you believe the installation of a smart meter at your property would violate the privacy or security of a member of your household?
37. If yes, please specifically describe each of your concerns regarding your household’s privacy or security after the installation of a smart meter. Please also provide the following information regarding your position that the installation of a smart meter would violate your household’s privacy or security:
- (i) Please identify each document you rely on in support of this position.
 - (ii) Do you intend to rely on these documents at the time of the hearing in this proceeding?
 - (iii) Please describe in detail all information you have to support this position.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

NOREEN MCCARTHY :
 :
 v. : **Docket No. C-2019-3006923**
 :
METROPOLITAN EDISON COMPANY :

STIPULATED PROTECTIVE AGREEMENT

This Agreement, is between and among Noreen McCarthy (“McCarthy”); Metropolitan Edison Company (“Met-Ed”), by and through Met-Ed’s attorneys Lauren M. Lepkoski, Esquire, Tori L. Giesler, Esquire; and Met-Ed’s expert(s) and any and all other experts whom Met-Ed may hire or whom Met-Ed may consult within regards to the above-captioned proceeding (“Proceeding”). This Agreement establishes procedures for the protection of certain confidential information involved in the Proceeding.

Intending to be legally bound, the parties hereby agree as follows:

1. That the information subject to this Stipulated Protective Agreement is all correspondence, documents, data, personal health information, studies, and other materials to be furnished by McCarthy’s medical providers pursuant to Met-Ed’s interrogatories to McCarthy as to her health conditions, and which McCarthy’s medical providers may provide to Met-Ed pursuant to a release signed by McCarthy. Such materials will be referred to below as “Confidential Information.” When a statement or exhibit is identified for the record, the portions thereof that constitute Confidential Information shall be so designated for the record.
2. All Confidential Information shall only be made available to Met-Ed subject to the terms of this Stipulated Protective Agreement. Counsel for Met-Ed shall use or disclose the

Confidential Information only for purposes of preparing or presenting evidence, cross examination or argument in the Proceeding. Met-Ed may afford access to Confidential Information made available by McCarthy's experts and health care providers (1) only to Met-Ed's experts, and (2) only subject to the terms of this Stipulated Protective Agreement.

3. Before Met-Ed discloses any Confidential Information to anyone, (1) Met-Ed shall secure written assurance from each of such potential person to whom disclosure may be made that he or she will maintain the confidentiality of the Confidential Information and not disclose the Confidential Information further except in preparation for the above mentioned Proceeding; (2) Met-Ed shall provide McCarthy with a list of Met-Ed experts to whom Met-Ed intends to disclose the Confidential Information; and (3) signatures of such experts, that they agree to the terms of this Agreement, shall be furnished to McCarthy before Met-Ed discloses any Confidential Information to any Met-Ed expert.

4. Met-Ed shall use its best efforts to safeguard the Confidential Information and not disclose any Confidential Information except as provided herein. Met-Ed agrees to give McCarthy written notice within five days of Met-Ed's discovery of any unintentional disclosure of the Confidential Information and Met-Ed shall cooperate with McCarthy to rectify to the extent possible, any damage to McCarthy for unintentional disclosure of Confidential Information.

5. McCarthy retains the right to challenge the adequacy of Met-Ed's written assurances that Confidential Information will not be jeopardized. No other persons may have access to the Confidential Information except as authorized by order of the Commission or of the presiding Administrative Law Judge.

6. Prior to making Confidential Information available to an expert, Met-Ed shall deliver a copy of this Stipulated Protective Agreement to such expert and shall receive a

written acknowledgment from the expert in the form attached as Appendix A to this Stipulated Protective Agreement or similar acknowledgment consistent with the terms of this Stipulated Protective Agreement. McCarthy shall be notified promptly of the identity of all persons provided access to Confidential Information pursuant to this paragraph and paragraph 3 above and shall be provided with a copy of each acknowledgment signed by each expert.

7. Met-Ed acknowledges that all health information it receives from McCarthy's healthcare providers pursuant to Met-Ed's interrogatory requests is Confidential Information and Met-Ed shall immediately stamp each page of such documents "Confidential" and shall keep all Confidential Information segregated from its general litigation files in a secure location.

8. Met-Ed will consider and treat the Confidential Information as within the exemptions from disclosure provided in the Pennsylvania Right-to-Know Act as set forth at 65 P.S. § 67.708(b). To the extent Confidential Information is provided electronically or by mail, or other electronic means, Met-Ed and its experts will send such information encrypted, and will use such electronic files only for this Proceeding, will not copy the files onto any hard drive and will not make any additional copies.

9. Any public reference to Confidential Information by Met-Ed or its experts shall be to the title or exhibit reference in sufficient detail to permit persons with access to the Confidential Information to understand fully the reference, but not more. The Confidential Information shall remain a part of the record, to the extent admitted, for all purposes of administrative or judicial review but shall remain in a segregated location and shall be prominently marked "CONFIDENTIAL."

10. That part of any record of this Proceeding containing Confidential Information, including but not limited to all exhibits, writings, direct testimony, cross examination, argument, and responses to discovery, and including reference thereto as mentioned in paragraph 6 above, shall be sealed for all purposes, including administrative and judicial review, unless such Confidential Information is released from the restrictions of this Stipulated Protective Agreement, either through the agreement of the parties to this Stipulated Protective Agreement or pursuant to an order of an Administrative Law Judge or the Commission.

11. McCarthy shall retain the right to question or challenge the admissibility of Confidential Information; to refuse to produce or object to the production of Confidential Information on any proper ground; and to seek additional measures of protection of Confidential Information beyond those provided in this Stipulated Protective Agreement.

12. That within thirty (30) days after a Commission decision is entered in the Proceedings, or in the event of appeals, within thirty (30) days after appeals are finally decided, Met-Ed and Met-Ed's experts, upon request, shall either destroy or return to McCarthy all copies of all documents and other materials not entered into the record, including notes, electronic or e-mailed files, which contain any Confidential Information. In the event that Met-Ed elects to destroy all copies of documents and other materials containing Confidential Information instead of returning the copies of documents and other materials containing Confidential information to McCarthy, Met-Ed shall immediately certify in writing to McCarthy that all the Confidential Information has been destroyed.

Agreed:

Noreen McCarthy

Date

METROPOLITAN EDISON COMPANY

Lauren M Lepkoski /CS
Lauren M. Lepkoski, Esquire

2/14/2020
Date

METROPOLITAN EDISON COMPANY

Tori L. Giesler /CS
Tori L. Giesler, Esquire

2/14/2020
Date

APPENDIX A

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

NOREEN MCCARTHY :
 :
 v. : Docket No. C-2019-3006923
 :
 METROPOLITAN EDISON COMPANY :

ACKNOWLEDGMENT OF
STIPULATED PROTECTIVE AGREEMENT

TO WHOM IT MAY CONCERN:

The undersigned is Lawyer for Metropolitan Edison Company, in the Proceeding as defined in the Stipulated Protective Agreement. The undersigned has read and understands the Stipulated Protective Agreement agreed to in the Proceeding, which Stipulated Protective Agreement deals with the treatment of Confidential Information. The undersigned agrees to be bound by, and comply with, the terms and conditions of said Stipulated Protective Agreement.

Tori J. Geesh / JBG
NAME

2800 Pottsville Pike

Reading, PA 19605
ADDRESS

FirstEnergy Service Company
EMPLOYER

DATE: 2/14/2020

APPENDIX A

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

~~NOREEN MCCARTHY~~

v.

METROPOLITAN EDISON COMPANY


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Docket No. C-2019-3006923

ACKNOWLEDGMENT OF
STIPULATED PROTECTIVE AGREEMENT

TO WHOM IT MAY CONCERN:

The undersigned is Lawyer for Metropolitan Edison Company, in the Proceeding as defined in the Stipulated Protective Agreement. The undersigned has read and understands the Stipulated Protective Agreement agreed to in the Proceeding, which Stipulated Protective Agreement deals with the treatment of Confidential Information. The undersigned agrees to be bound by, and comply with, the terms and conditions of said Stipulated Protective Agreement.


NAME

2800 Pottsville Pike

Reading, PA 19605
ADDRESS

FirstEnergy Service Company
EMPLOYER

DATE: 2/14/2020

APPENDIX A

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

NOREEN MCCARTHY :
 :
 v. : **Docket No. C-2019-3006923**
 :
 METROPOLITAN EDISON COMPANY :

ACKNOWLEDGMENT OF
STIPULATED PROTECTIVE AGREEMENT

TO WHOM IT MAY CONCERN:

The undersigned is _____, in the Proceeding as defined in the Stipulated Protective Agreement. The undersigned has read and understands the Stipulated Protective Agreement agreed to in the Proceeding, which Stipulated Protective Agreement deals with the treatment of Confidential Information. The undersigned agrees to be bound by, and comply with, the terms and conditions of said Stipulated Protective Agreement.

NAME

ADDRESS

EMPLOYER

DATE: _____

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

NOREEN MCCARTHY :
 :
 v. : **Docket No. C-2019-3006923**
 :
METROPOLITAN EDISON COMPANY :

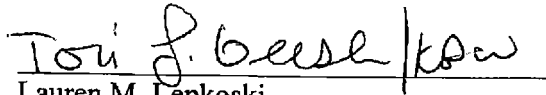
CERTIFICATE OF SERVICE

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 Noreen McCarthy (Set II) 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:

Noreen McCarthy
18 Millstone Lane
Pottstown, PA 19465

Dated: February 14, 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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

NOREEN MCCARTHY

v.

METROPOLITAN EDISON COMPANY

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Docket No. C-2019-3006923

CERTIFICATE OF SERVICE

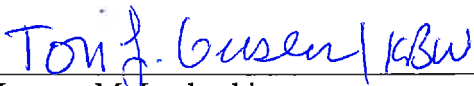
I hereby certify that I have this day served a true copy of the Motion to Compel of Metropolitan Edison Company upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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

Noreen McCarthy
18 Millstone Lane
Pottstown, PA 19465
Contactnoreen1@gmail.com

Administrative Law Judge Jeffrey A. Watson
Pennsylvania Public Utility Commission
Piatt Place, Suite 220
301 5th Avenue
Pittsburgh, PA 15222
jeffwatson@pa.gov

Dated: March 11, 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
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