

**BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

DOCKET No. C-2020-3019763

Lawrence Kingsley,
Complainant

v.

PPL Electric Utilities,
Respondent

**COMPLAINANT'S RENEWED MOTION TO STRIKE
AND MOTION FOR SANCTIONS**

Overview

1. On 11/28/20 the complainant moved to strike extraneous, potentially prejudicial documents which PPL submitted without foundation, attestation, or any known relevance. As an end-run around this motion, which has yet to be ruled, PPL refiled and extended the same documents on 4/21/21.
2. PPL has taken the court's invitation to submit exhibits for the May 6 hearing as an opportunity to evade the rules of evidence, to poison the record, and to introduce red herrings.
3. The complainant thus moves to strike PPL's exhibits for the same reasons presented in his prior motion, but also because these exhibits should be excluded on the basis of PPL's discovery violations. Both the complainant's Interrogatories and two Requests for Production of Documents include the

information now at issue, but PPL's document production was incomplete, and PPL has never answered the complainant's Interrogatories which go beyond PPL's limited document production.¹

4. Since, along with the initial Motion to Strike and discovery violations, PPL has given both the court and the complainant a double or triple dose of unnecessary work, PPL should be sanctioned for its misconduct.
5. PPL's reliance on underhand methods, seen at every stage of this litigation, shows why PPL cannot be trusted to keep its commitments and why this Formal Complaint, as opposed to agreement which the parties reached in the complainant's Informal Complaint, is necessary.
6. Below, the complainant incorporates and revises the previous Motion to Strike and Motion for Sanctions.

Background

7. The initial Motion to Strike and Motion for Sanctions put PPL on notice that it should redact its exhibits and properly introduce them. PPL has declined to do so.

¹ While the complainant's First Set of Interrogatories aimed at the same information which PPL was still withholding in terms of production of documents, the complainant's Second Set of Interrogatories sought new information. PPL has ignored this Second Set of Interrogatories and never made a formal response to the First Set of Interrogatories. The accompanying Motion to Compel Discovery elaborates and provides important data for this Motion to Strike.

8. Further grounds for sanctions lie in PPL's failure to provide a copy of its report to Judge Rainey. Not only does 52 Pa. Code §§ 1.54(a) requires service upon parties in a proceeding, but the court's instructions on 11/12/20 left no doubt that filings in this case should be served on both parties. Over ten months after PPL submitted this report to Judge Rainey and after numerous requests for a copy of it, PPL has disclosed only a single, though misleading sentence from it.
9. PPL's report to Judge Rainey appears to have introduced confusion into this case for, contrary to the court's Nov. 12, 2020 order, the only mediation in this case failed, and there was no mediation in the prior case.² The parties nonetheless settled the complainant's informal complaint (PUC Case No. 3682784) when PPL agreed, with respect to vegetation management on the complainant's property, that "any future trimming work would only happen with your prior approval."
10. The idea for this provision is that the complainant should have time to contest any excessive or unnecessary work intended by PPL, whether through dialog with PPL, a new complaint to PUC, or injunctive relief in the Court of Common Pleas. But without penalty, PPL can violate the parties' previous

² The Nov. 12 order observes: "It appears that Complainant is seeking to have the Commission unilaterally modify the private agreement he reached through mediation with PPL. This the Commission cannot do." In fact, the complainant is not trying to change the previous agreement, but only trying to assure that it will be effective.

agreement. (PUC's policy has been to impose penalties only in a formal, as opposed to informal, complaint.)³ PPL's refusal to join with the complainant in a new consent decree that would protect both parties implies unwillingness to alter policies which threaten irreparable harm to the complainant's property.

11. Independently of the prior case, PPL also agreed to notify customers of intended vegetation management in at least two documents. One is PPL's Document LA-79827-8 filed with PUC and entitled (with PPL's capitalization) "Specification For Initial Clearing and Control Maintenance Of Vegetation on Or Adjacent To Electric Line Right-of-Way through Use Of Herbicides, Mechanical, And Handclearing Techniques" (p. 24).
12. A second document where PPL acknowledges need to notify customers is found in PPL's "Distribution and 69 kV Vegetation Management Specification," which states: "Verbal notification of the intent to prune trees is required with all customers involved."⁴
13. However, as we will see below, there is a vast difference between PPL's

³ If this interpretation is incorrect, the parties' previous agreement would afford the needed relief except for specification of how far in advance notice of intended work should be provided. At least 10-15 days notice of the intended work are needed for a preliminary injunction or further action by PUC—for example, a cease and desist order until a hearing can be scheduled. In contrast, a knock on the door ("Here we are!"), if even attempted, does not give the property owner adequate time to prevent irreparable damage.

⁴ See Bates number 000051 of PPL's exhibits.

official proclamations and actual practice.

14. PPL not only breached its duty of notification when PPL first cut the complainant's trees, but PPL would have no reason to abstain from a new consent decree unless it intends to continue its current policies. Under these policies PPL invades private property at will, poisons wells and vegetation, and, solely on its own say-so, destroys trees believed to be in proximity to electrical wiring which never should have been placed in urban backyards in the first place.
15. This dispute would have been avoided if PPL had implemented current regulations for placing wiring underground⁵ or else decided to use conventional poles on the street. An important distinction of this case is that PPL never acquired a right of way on the complainant's property. PPL nonetheless wants freedom for "marauding" chainsaw gangs—misnamed "foresters—to subordinate Commonwealth residents to PPL's corporate owners in Boston and, in this sense, to keep Pennsylvanians in a state of colonial vassalage.⁶

⁵ See Section 57.84 of PUC regulations (52 Pa. Code §57.84).

⁶ The complainant's Memorandum, filed on 10/5/20, points out that PPL is owned by Boston investors who have a poor environmental record in Pennsylvania. This Memorandum also points out that no one with an actual degree in forestry accompanies PPL chainsaw gangs on the typical job.

16. PPL’s contractors are paid by the job—the more work, the more pay—and their loyalty is not to the property owner, but to PPL, an extremely valuable customer. Going out of their way to keep PPL happy, these contractors tend toward excess, which must be questioned before harm to the property is irreparable.
17. The complainant is not asking PUC to restrain PPL from vegetation management that is appropriate. Indeed, a subsequent court should decide constitutional questions of PPL’s “taking” without just compensation,⁷ applicability of the due process guaranty of the 14th Amendment, and protections afforded by Article I of the Pennsylvania Constitution,⁶ but for simplicity the complainant has excluded these questions from this case. The complainant is only asking for verifiable, adequate notice of PPL’s intended work on his property and time to contest work which is excessive or unnecessary.
18. In support thereof, the complainant states:

Argument

Unattested exhibits

19. There is no foundation for the exhibits which PPL submitted on 11/16/20 and

⁷ For example, “possessing and protecting property” and security from “unreasonable . . . seizures” are protected by Article I of the Pennsylvania Constitution. See the complainant’s 10/5/20 Memorandum at 13-14 and 16.

resubmitted on 4/21/21.

20. By submitting exhibits without telling the court its purpose, PPL obviously intends to surprise the complainant with new allegations, theories, or a dispositive motion at the forthcoming hearing. Ambush and surprise are reprehensible in our system of jurisprudence.⁸
21. Otherwise, PPL is attempting to clutter the proceedings in this case as a distraction, subterfuge, or diversion from the issues at bar while unnecessarily prolonging the proceedings so as to wear down and exhaust the complainant.
22. PPL's exhibits violate the best evidence rule since either party, in its own words, can attest to its position on any topic that the court deems relevant. Comprising the bulk of the subject exhibits, PPL's long history of routine transactions, with no foundation for their usage today is irrelevant to any issue now before the court.
23. PPL has refused to produce audio recordings on which most of the exhibits purportedly were based, but, without this data, these exhibits cannot be verified. Nor has PPL's counsel furnished a certificate of verification or even the correct date of when she intends to introduce these exhibits.⁹

⁸ Under FRCP 60, for example, surprise is one of the grounds on which a court may grant relief from a final judgment, order, or proceeding.

⁹ Her April 21, 2021 letter states: "I proposed to introduce these documents into evidence at the initial call-in telephonic hearing on Thursday, April 29, 2021 at 10:00 A.M." This hearing had already been postponed on April 6, 2021.

24. PPL is likely to wrench the subject exhibits out of context for the further purpose of annoying, tarnishing, or embarrassing the complainant.
25. PPL's exhibits disclose private information never meant for public dissemination, but that puts the complainant at risk of identity theft and spam.
26. These exhibits are one-sided, created solely by PPL. They were never shown to the complainant before 11/16/20 and do not necessarily reflect his point of view or language that he would use. Comments purporting to reflect statements by the complainant actually express PPL's point of view and act as incomplete, self-interested summary of often disputed facts.
27. The subject exhibits cover a wide range of topics and transactions, none of which is probative of the leading question of whether PPL, during ordinary (nonemergency) conditions, can act with impunity when it ignores or feigns compliance with its previous commitments.
28. Despite agreeing that property owners should be notified about intended vegetation management, PPL is reticent about the method and consequences of this notification.
29. In PPL's exhibits, Bates number 000044, the notification of work goes only to PPL's central office. Later, PPL "passes the buck" to its contractors in terms of

notifying the property owner,¹⁰ but under the doctrine of *respondeat superior* PPL remains responsible for errors and omissions its contractors.

30. Theoretically, PPL and its contractors are expected to refrain from work when the property objects to it, but there is no verifiable procedure for assuring that the property owner is even contacted in the first place, and PPL is silent about how a dispute with the property owner, who refuses to allow the intended work, can be resolved.
31. PPL avers to negotiating with the property owner, but, notwithstanding the contractor's report of the refusal to PPL, there is no procedure for a hearing or suggestion of how a dispute might be resolved. Bates number 000051.
32. Instead of trying to surprise the complainant with new allegations or vague commitments, PPL should focus on issues currently in contention and not try to twist innocuous information or empty PR out of context.

New distortion

33. Without identifying each exhibit, PPL has jumbled together a variety of pages which suggest an air of completeness or compliance at odds with the facts.
34. The reality is that PPL has resorted to the opposite, withholding of discovery, concealment of PPL's lack of management, training, quality control, and

¹⁰ Ibid.

proper planning in areas of dispute, and frustration of the complainant whenever possible.

35. Where the exhibits overlap with discoverable material, PPL has never complied with 231 Pa. Code §§ 4006 and 4009.12 about the form and manner of discovery, such as listing each document immediately after the discovery item to which the document pertains.¹¹
36. It will be difficult for the complainant to cite this material, since, not being in the correct form, it will appear his fault rather than PPL's, and PPL may have this very objective.
37. Whole portions of the subject exhibits are misleading. For example, the complainant's Interrogatories ask about training material and instructions given to PPL's contractors, but it is preposterous to think that PPL's "chainsaw gangs" read the academic treatises and technical documents listed by PPL.
38. PPL's Bates numbered pp. 000019-000037 discuss pruning, but these pages are taken from the American National Standards Institute (ANSI), whose specification is no more binding on PPL than numerous ANSI standards for the PC industry, which are strictly voluntary and often ignored.
39. There is no indication that these pages represent instructions or guidelines given to PPL contractors, if that was the intention. PPL's vagueness and lack

¹¹ See complainant's Motion to Compel Discovery.

of heading information act to evade the question of training.

40. Most likely, blue collar contractors are given orders like “go cut whatever trees you want” instead of undergoing training in proper methods of botany, forestry, and protection of waterways. While someone in PPL’s central office may have textbooks, technical studies, or idealistic standards on a bookshelf, PPL has refused to provide a direct answer about how frontline workers are trained.
41. Here, too, information withheld during discovery should be excluded, and PPL should be ordered to produce detailed information about training material and methods actually used by its contractors.

Failure to comply with service obligations

42. The attached correspondence (also appended to the accompanying Motion to Compel Discovery) demonstrates the complainant’s numerous attempts to secure what PPL should have shared already, a copy of its report to Judge Rainey. It would only take a moment for PPL to send an electronic copy (.PDF). This case is e-filed, and email has been the parties’ principal form of communication.
43. Mediation should be confidential, but PPL has committed a serious indiscretion by going beyond what Judge Rainey ordered. He asked in principal part for:

- A statement whether a full resolution, including withdrawal of Complaint, was achieved and, if not, whether the parties consent to have this case set for mediation by the mediation staff of the Commission; and
- A statement of any issues which have been resolved, if a full resolution was not achieved.

44. He did not ask for bias or commentary on the relative positions of each party.

The single sentence from this report that has been disclosed suggests that PPL made a generous offer that complainant refused because he wanted to add new conditions. In fact, the only offer was window dressing on PPL's business as usual—there was no offer that would assure adequate notice and time to prevent irreparable damage to the complainant's property.

45. It appears that PPL thus has used this report not only to shift blame to the complainant, but to take an unfair swipe at him.

46. PPL's refusal to serve the entire report on the complaint suggests consciousness of guilt—recognition that behind the complainant's back, PPL has attempted to distort the record, tarnish the complainant, and thereby gain unfair advantage.

Conclusion

47. For these reasons, the exhibits which PPL improperly filed on 11/16/20 and then refiled on 4/21/21 should be stricken.

48. PPL immediately should serve a copy of the withheld report and withheld discovery on the complainant.
49. For withholding this information, violating service obligations, violating the standard of confidentiality in mediation, and then twice filing largely extraneous exhibits which deliberately prejudice the complainant, PPL should be sanctioned in such sums as the court deems fair and just.
50. PPL's underhand methods, games about service, and consistent failure to furnish notice of intended work show why the complainant has no expectation of fair play from PPL and why this complaint is needed.

Dated: Lancaster, PA
May 5, 2021

Respectfully submitted,

/S/

Lawrence Kingsley
2161 West Ridge Drive
Lancaster, PA 17601
646-543-2226

Certificate of Service

I hereby certify that on May 5, 2021 I emailed a true copy of the
within papers to PPL's counsel:

Kimberly G. Krupka, Esq.
Gross McGinley, LLP
33 S Seventh Street, PO Box 4060
Allentown, PA 18105-4060

Respectfully submitted,

/S/

Lawrence Kingsley
2161 West Ridge Drive
Lancaster, PA 17601
646-543-2226

EXHIBITS

Lawrence Kingsley

From: Lawrence Kingsley <mail@research-1.com>
Sent: Wednesday, October 7, 2020 4:13 PM
To: 'Kimberly Krupka'
Subject: RE: PUC C-2020-3019763

Inasmuch as you have not served a copy of your report to Judge Rainey on me, you have yet to comply with 52 Pa. Code §§ 1.54(a).

By refusing to acknowledge receipt of my Oct. 5 Memorandum, you are only adding new evidence of PPL's bad faith or games about service, which I will have to report to PUC.

Since efilng is standard at PUC, forcing me to serve you by other means—I need to confirm the service—may also be construed as petty harassment by PPL.

Lawrence Kingsley

Lawrence Kingsley

From: Lawrence Kingsley <mail@research-1.com>
Sent: Thursday, October 29, 2020 2:00 AM
To: 'Kimberly Krupka'
Subject: RE: PUC C-2020-3019763

If you complied with PUC's June 10, 2020 order, you still have not served a copy of your response on me.

Lawrence Kingsley

Lawrence Kingsley

From: Lawrence Kingsley <mail@research-1.com>
Sent: Thursday, October 29, 2020 8:16 AM
To: 'Kimberly Krupka'
Subject: RE: PUC C-2020-3019763

Please note that if you complied with PUC's June 10, 2020 order, you still have not sent me a copy of your response to this order.

Lawrence Kingsley

Lawrence Kingsley

From: Lawrence Kingsley <mail@research-1.com>
Sent: Sunday, November 8, 2020 4:00 AM
To: 'Kimberly Krupka'
Subject: RE: PUC C-2020-3019763

This item has not reached me. Would you check with your assistant and, if necessary, mail another copy to me?

You should not assume that the mailing is complete unless I acknowledge receipt, as I am happy to do for either regular mail or a .pdf.

Lawrence Kingsley

From: Kimberly Krupka [<mailto:KKrupka@grossmcginley.com>]
Sent: Thursday, October 29, 2020 7:57 PM
To: Lawrence Kingsley
Subject: RE: PUC C-2020-3019763

I will ask that my assistant review the file and send. I am currently out of the office and in trial.

Kimberly G. Krupka

Attorney at Law

GROSS MCGINLEY, LLP
DIRECT (610) 871-1325

From: Lawrence Kingsley <mail@research-1.com>
Sent: Thursday, October 29, 2020 8:16 AM
To: Kimberly Krupka <KKrupka@grossmcginley.com>
Subject: RE: PUC C-2020-3019763

CAUTION: External Email

Please note that if you complied with PUC's June 10, 2020 order, you still have not sent me a copy of your response to this order.

Lawrence Kingsley

NOTICE: This message, and any attached file, is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the individual reading this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message is strictly prohibited. Nothing in this e-mail message should be construed as a legal opinion. If you have received this message in error, please notify me immediately by replying to this e-mail and delete all copies of the original message. Thank you.

IRS CIRCULAR 230 DISCLOSURE: Pursuant to Treasury Regulations, any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used or relied upon by you or any other person, for the purpose of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any tax advice addressed herein.

Lawrence Kingsley

From: Lawrence Kingsley <mail@research-1.com>
Sent: Tuesday, November 17, 2020 11:29 PM
To: 'Kimberly Krupka'
Subject: RE: PUC C-2020-3019763

I still have not received a copy of your report to Judge Rainey: please send a paper or electronic copy at once.

You should not assume that the mailing is complete unless I acknowledge receipt, as I am happy to do for either regular mail or a .pdf.

Lawrence Kingsley

Lawrence Kingsley

From: Lawrence Kingsley <mail@research-1.com>
Sent: Wednesday, November 18, 2020 1:55 PM
To: 'Kimberly Krupka'
Subject: RE: PUC C-2020-3019763

Please see below:
Lawrence Kingsley
646-714-5668

From: Kimberly Krupka [<mailto:KKrupka@grossmcginley.com>]
Sent: Wednesday, November 18, 2020 12:05 PM
To: Lawrence Kingsley
Subject: RE: PUC C-2020-3019763

Mr. Kingsley – is there a good number to contact you on via telephone?

Kimberly G. Krupka
Attorney at Law
GROSS MCGINLEY, LLP
DIRECT (610) 871-1325

From: Lawrence Kingsley <mail@research-1.com>
Sent: Tuesday, November 17, 2020 11:29 PM
To: Kimberly Krupka <KKrupka@grossmcginley.com>
Subject: RE: PUC C-2020-3019763

CAUTION: External Email

I still have not received a copy of your report to Judge Rainey: please send a paper or electronic copy at once.

You should not assume that the mailing is complete unless I acknowledge receipt, as I am happy to do for either regular mail or a .pdf.

Lawrence Kingsley

NOTICE: This message, and any attached file, is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the individual reading this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message is strictly prohibited. Nothing in this e-mail message should be construed as a legal opinion. If you have received this message in error, please notify me immediately by replying to this e-mail and delete all copies of the original message. Thank you.

IRS CIRCULAR 230 DISCLOSURE: Pursuant to Treasury Regulations, any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used or relied upon by you or any other person, for the purpose of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any tax advice addressed herein.

Lawrence Kingsley

From: Lawrence Kingsley <mail@research-1.com>
Sent: Thursday, November 19, 2020 2:27 AM
To: 'Kimberly Krupka'
Subject: RE: PUC C-2020-3019763

Thank you for the phone call yesterday. However, this phone call, which was only general, is not a substitute for the document which you still have not served on me, your report ordered by Judge Rainey. Nor is the one sentence from this report that you sent me. I need the full report, please.

An electronic copy will be fine, but only if I acknowledge its receipt, as I am glad to do.

Lawrence Kingsley
646-714-5668

Lawrence Kingsley

From: Lawrence Kingsley <file@research-1.com>
Sent: Monday, February 8, 2021 11:08 AM
To: kkrupka@grossmcginley.com
Subject: DOCKET No. C-2020-3019763
Attachments: Reply to PPL's Answer to Amended Complaint--FILED.pdf

Attached, please find my Reply to your Answer to the Amended Complaint.
Please note that I have not received your response to my discovery demand.
Lawrence Kingsley

Lawrence Kingsley

From: Lawrence Kingsley <file@research-1.com>
Sent: Monday, March 1, 2021 12:16 PM
To: 'Kimberly Krupka'
Subject: RE: PPL- Kingsley

To repeat, yes, I received the 70+ pages. Thank you. While I need to study this material in detail, a problem is already evident that PPL should address: there is no apparent relationship between my property and some of this material. For example, pp. 23 and following discuss pruning, but there is no indication that these pages represent instructions or guidelines given to PPL contractors, if that was the intention.

Similarly, an issue will be how permission allegedly granted for use of Bell Telephone poles translates into a right of way on property acquired by succeeding owners of the property, including myself. I am unaware of any renewal or inheritance of this agreement if it even applies.

If PPL wishes to address these issues, I would be glad to hear from you.

Lawrence Kingsley.

From: Kimberly Krupka [mailto:KKrupka@grossmcginley.com]
Sent: Monday, March 1, 2021 9:40 AM
To: Lawrence Kingsley
Subject: RE: PPL- Kingsley

Mr. Kingsley –

I sent an original message with an attachment and then this one as a follow up that I would send hard copy as well. Did you receive an e-mail with written responses and 70 additional pages of documents?

Kimberly G. Krupka
Attorney at Law
GROSS MCGINLEY, LLP
DIRECT (610) 871-1325

From: Lawrence Kingsley <file@research-1.com>
Sent: Monday, March 01, 2021 9:38 AM
To: Kimberly Krupka <KKrupka@grossmcginley.com>
Subject: RE: PPL- Kingsley

CAUTION: External Email

Thank you. Besides sending the paper copy, if you also meant to attach an electronic copy, I did not receive it.

Lawrence Kingsley

Lawrence Kingsley

From: Lawrence Kingsley <file@research-1.com>
Sent: Friday, March 5, 2021 4:05 AM
To: 'Kimberly Krupka'
Subject: RE: PPL- Kingsley

Your discovery response, with unidentified items jumbled together, is not in the proper form. If you do not wish to comply with your obligations, I will have to seek relief from the court.
Lawrence Kingsley

Lawrence Kingsley

From: Lawrence Kingsley <file@research-1.com>
Sent: Monday, March 15, 2021 6:52 AM
To: 'Kimberly Krupka'
Subject: RE: PPL- Kingsley

Please note that my Interrogatories for PPL go beyond my demand for document production. Moreover, especially since your document production was not in the proper form, with unidentified items jumbled together, I expect timely, complete answers to my Interrogatories. I am prepared to work with you if you wish to correct and supplement your document production, and I hope that we can avoid compelled discovery.
Lawrence Kingsley

Lawrence Kingsley

From: Lawrence Kingsley <file@research-1.com>
Sent: Friday, March 19, 2021 2:42 PM
To: 'Kimberly Krupka'
Subject: RE: PPL- Kingsley

Your answers to my Interrogatories are overdue, and I have not received an amended version of your document production.

Lawrence Kingsley

Lawrence Kingsley

From: Lawrence Kingsley <file@research-1.com>
Sent: Thursday, March 25, 2021 5:22 AM
To: kkrupka@grossmcginley.com
Subject: Discovery issues
Attachments: RPD Demanded of PPL, Resubmitted.pdf; Second Set of Interrogatories Propounded to PPL.pdf

Your answers to my Interrogatories are seriously overdue. I am willing to work with you in terms of simplifying your response to my Interrogatories and Request for Production of Documents. However, I have not received a response to my March 5 message to you, in which I pointed out that your document production is in the wrong form. For example, you jumbled these documents together without identifying or verifying them, and you failed to identify with reasonable particularity the “Documents or things not produced . . . together with the basis for non-production.”

If you wish to correct your errors, I am providing for your convenience another copy of my Request for Production of Documents, in which I leave space for you to respond. Since you ignored my First Set of Interrogatories, I am including and extending them in the attached Second Set of Interrogatories Propounded to PPL, which similarly leaves space for you to answer each interrogatory.

I would like to avoid a Motion to Compel Discovery, but can do only with your timely cooperation.

PUC will receive a copy of the two certificates of service.

Lawrence Kingsley
646-653-2226

Lawrence Kingsley

From: Lawrence Kingsley <file@research-1.com>
Sent: Thursday, March 25, 2021 11:33 AM
To: 'Kimberly Krupka'
Subject: RE: Discovery issues

Thank you. I will be glad to hear from you. Below I corrected a small typo in my prior message to you.

Lawrence Kingsley

From: Kimberly Krupka [<mailto:KKrupka@grossmcginley.com>]
Sent: Thursday, March 25, 2021 9:12 AM
To: Lawrence Kingsley
Subject: RE: Discovery issues

Mr. Kingsley, I am out of the office until about 1:30 today and then will work to provide additional responses.

Kimberly G. Krupka

Attorney at Law

GROSS MCGINLEY, LLP
DIRECT (610) 871-1325

From: Lawrence Kingsley <file@research-1.com>
Sent: Thursday, March 25, 2021 5:22 AM
To: Kimberly Krupka <KKrupka@grossmcginley.com>
Subject: Discovery issues

CAUTION: External Email

Your answers to my Interrogatories are seriously overdue. I am willing to work with you in terms of simplifying your response to my Interrogatories and Request for Production of Documents. However, I have not received a response to my March 5 message to you, in which I pointed out that your document production is in the wrong form. For example, you jumbled these documents together without identifying or verifying them, and you failed to identify with reasonable particularity the “Documents or things not produced . . . together with the basis for non-production.”

If you wish to correct your errors, I am providing for your convenience another copy of my Request for Production of Documents, in which I leave space for you to respond.

Since you ignored my First Set of Interrogatories, I am including and extending them in the attached Second Set of Interrogatories Propounded to PPL, which similarly leaves space for you to answer each interrogatory.

I would like to avoid a Motion to Compel Discovery, but can do so only with your timely cooperation.

PUC will receive a copy of the two certificates of service.

Lawrence Kingsley

646-653-2226



Virus-free. www.avg.com

NOTICE: This message, and any attached file, is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the individual reading this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message is strictly prohibited. Nothing in this e-mail message should be construed as a legal opinion. If you have received this message in error, please notify me immediately by replying to this e-mail and delete all copies of the original message. Thank you.

IRS CIRCULAR 230 DISCLOSURE: Pursuant to Treasury Regulations, any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used or relied upon by you or any other person, for the purpose of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any tax advice addressed herein.

Lawrence Kingsley

From: Lawrence Kingsley <file@research-1.com>
Sent: Tuesday, March 30, 2021 11:30 AM
To: 'Kimberly Krupka'
Subject: Your discovery response
Attachments: Second Set of Interrogatories Propounded to PPL.pdf; RPD Demanded of PPL, Resubmitted.pdf

After speaking to you yesterday, I confirmed that your discovery response is not in the correct form. I was not overlooking anything after all.

In conformity with the rules, I would ask you, please, to identify each item in the spaces that I have provided in the attachments. As an experienced attorney, you also would know to verify your submission and, where you object, to “identify with reasonable particularity the documents not produced together with the basis for non-production.” For evidentiary purposes it is important to present your response in the form which the court is expecting, as opposed to some amorphous concoction which the court might blame on me.

Please note that when I did not hear from you, I included, but extended my original Interrogatories in my Second Set of Interrogatories Propounded to PPL. That is, this Second Set propounds new Interrogatories as well as the unanswered original Interrogatories.

To repeat, where discoverable information is common to both interrogatories and document production, it should suffice if you respond only once as long as the information sought is fully disclosed, identified, signed, and verified in one place or the other.

If I can be of assistance, please do not hesitate to call on me.

Lawrence Kingsley
646-543-2226

Lawrence Kingsley

From: Lawrence Kingsley <file@research-1.com>
Sent: Thursday, April 1, 2021 3:06 PM
To: 'Kimberly Krupka'
Subject: RE: Kingsley - PPL

Would you please state your intentions about correcting and amplifying your discovery response?

Lawrence Kingsley

Lawrence Kingsley

From: Lawrence Kingsley <file@research-1.com>
Sent: Wednesday, April 7, 2021 1:15 PM
To: kkrupka@grossmcginley.com
Subject: Copy of e-filing
Attachments: Second Set of Interrogatories Propounded to PPL--cert. refiled.pdf; RPD Resubmitted--cert. refiled.pdf

You have already received the attached certificates of service, but I am serving another copy of what I e-filed.

I already have pointed out that my Second Set of Interrogatories includes new interrogatories which you have not answered, and I explained why your document production is incomplete. I urge you to supplement your response at once.

Lawrence Kingsley
646-543-2226