

COMMONWEALTH OF PENNSYLVANIA



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August 11, 2026

Via Electronic Mail Only

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Letter of Notification of PPL Electric Utilities Corporation Filed Pursuant to 52 Pa. Code Chapter 57 Subchapter G, for Approval to Build Approximately 1.1 Miles of New Parallel Double Circuit 230 kV Transmission Taps that are Needed to Connect the Existing Susquehanna-Harwood #1 & #2 Transmission Lines on the New Tomhicken 230 kV Switchyard that are Respectively Located in Luzerne County, Pennsylvania; Docket No. A-2025-3059443

Dear Secretary Homsher:

Enclosed please find the Answer of the Office of Consumer Advocate (OCA) to the Motion of PPL Electric Utilities Corporation (PPL Electric) to Dismiss Objections and Compel Responses to Requests for Admission Propounded on the OCA – Set I, Nos. 10 through 13 in this proceeding.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Olivia M. Spergel
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Enclosures

cc: Administrative Law Judge Erin L. Gannon (Via Email Only: egannon@pa.gov)
Administrative Law Judge John M. Coogan (Via Email Only: jcoogan@pa.gov)
Certificate of Service

CERTIFICATE OF SERVICE

Letter of Notification of PPL Electric :
Utilities Corporation filed pursuant to 52 PA. :
Code Chapter 57 with respect to the approval :
to build approximately 1.1 miles of new :
parallel double circuit 230 kV transmission : Docket No. A-2025-3059443
taps that are needed to connect the existing :
Susquehanna-Harwood #1 & #2 :
transmission lines on the New Tomhicken :
230 kV switchyard that are respectively :
located in Luzerne County, Pennsylvania. :

I hereby certify that I have this day filed electronically on the Commission's electronic filing system and served a true copy of the following document, the Answer of the Office of Consumer Advocate (OCA) to the Motion of PPL Electric Utilities Corporation (PPL Electric) to Dismiss Objections and Compel Responses to Requests for Admission Propounded on the OCA – Set I, Nos. 10 through 13, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 11th day of August 2026.

SERVICE BY E-MAIL ONLY

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Letter of Notification of PPL Electric :
Utilities Corporation filed pursuant to 52 :
PA Code Chapter 57 with respect to the :
approval to build approximately 1.1 miles : Docket No. A-2025-3059443
of new parallel double circuit 230 kV :
transmission taps that are needed to :
connect the existing Susquehanna- :
Harwood #1 & #2 transmission lines on the :
New Tomhicken 230 kV switchyard that :
are respectively located in Luzerne County, :
Pennsylvania :

ANSWER OF THE OFFICE OF CONSUMER ADVOCATE
TO THE MOTION OF PPL ELECTRIC UTILITIES CORPORATION TO
DISMISS OBJECTIONS AND COMPEL RESPONSES TO
REQUESTS FOR ADMISSION PROPOUNDED ON THE OFFICE OF CONSUMER
ADVOCATE – SET I, NOS. 10 THROUGH 13

Pursuant to 52 Pa. Code § 5.342(g)(1), the Pennsylvania Office of Consumer Advocate (OCA) files this Answer to PPL Electric Utilities Corporation (PPL or the Company) Motion to Dismiss Objections and Compel Responses to Requests for Admission (RFAs) Propounded on the Office of Consumer Advocate – Set I, Nos. 10-13 (Motion) filed on August 6, 2026. The OCA respectfully request that the ALJs deny PPL’s Motion and sustain the OCA’s Objections. In support of this Answer, the OCA submits the following:

I. INTRODUCTION

On July 16, 2026, PPL served its Set I RFAs on OCA by email. On July 21, 2026, OCA communicated oral objections to the Company. However, the parties were not able to resolve this discovery dispute informally. On July 27, 2026, PPL Electric was served with Objections of the Office of Consumer Advocate to PPL Electric Utilities Corporation’s Set I Requests For Admission to the OCA (Objections) for the following RFAs:

OCA is requested to admit or deny the truth of the following:

10. Admit when the Commission approves the siting and construction of a proposed HV transmission line under 52 Pa. Code Ch. 57, Subch. G, it does not make any finding or determination regarding the reasonableness or prudence of the costs associated with the HV transmission line.
11. Admit the Public Utility Code does not authorize the Commission to regulate the reasonableness or prudence of the costs of electric transmission facilities.
12. Admit when the Commission approves the siting and construction of a proposed HV transmission line under 52 Pa. Code Ch. 57, Subch. G, it does not make any finding or determination regarding the allocation of the costs associated with the HV transmission line.
13. Admit the Public Utility Code does not authorize the Commission to regulate the allocation of the costs of electric transmission facilities.

The OCA objected to RFA Nos. 10-13, because the RFAs are beyond the scope of admissions that can be requested under the Commission's regulations and outside the scope of discovery. On August 6, 2026, counsel for OCA and counsel for PPL conferred via e-mail regarding the Objections, during which PPL offered to amend the RFAs as follows, as indicated in PPL's Motion to Compel:

10. Please reference OCA Statement 1, pp. 3, 9-11, 17-21, and/or OCA Statement 2, pp. 5, 13, 27-28, 40, 42, 46, 62, 66-71, 73-76, 79-80, 91, 97-98. With respect to the statements and recommendations of OCA's witnesses, admit when the Commission approves the siting and construction of a proposed HV transmission line under 52 Pa. Code Ch. 57, Subch. G, it does not make any finding or determination regarding the reasonableness or prudence of the costs associated with the HV transmission line.¹
11. Please reference OCA Statement 1, pp. 3, 9-11, 17-21, and/or OCA Statement 2, pp. 5, 13, 27-28, 40, 42, 46, 62, 66-71, 73-76, 79-80, 91, 97-98. With respect to the statements and recommendations of OCA's witnesses, admit that the Public Utility Code does not authorize the Commission to regulate the reasonableness or prudence of the costs associated with the HV transmission line.²

¹ PPL Motion to Compel ¶ 21.

² PPL Motion to Compel ¶ 29.

12. Please reference OCA Statement 1, pp. 4, 9-11, 13-16, 20-22, 25- 26, 28-31, and/or OCA Statement 2, pp. 5, 13, 23-26, 31-32, 40-42, 45, 47, 49-50, 54-57, 62, 72-73, 77-78, 83, 87-111. With respect to the statements and recommendations of OCA's witnesses, admit when the Commission approves the siting and construction of a proposed HV transmission line under 52. Pa. Code Ch. 57, Subch. G, it does not make any finding or determination regarding the allocation of the costs associated with the HV transmission line.³
13. Please reference OCA Statement 1, pp. 4, 9-11, 13-16, 20-22, 25- 26, 28-31, and/or OCA Statement 2, pp. 5, 13, 23-26, 31-32, 40-42, 45, 47, 49-50, 54-57, 62, 72-73, 77-78, 83, 87-111. With respect to the statements and recommendations of OCA's witnesses, admit that the Public Utility Code does not authorize the Commission to regulate the allocation of the costs of electric transmission facilities.⁴

These revisions did not resolve the OCA's concerns and therefore, the parties were not able to resolve the Objections. On August 6, 2026, PPL filed this Motion. The OCA submits this Answer to the Company's Motion showing that PPL's RFAs are outside the scope of what constitutes discoverable material.

II. LEGAL STANDARDS

In proceedings before the Commission, a participant may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party or participant.⁵ Section 5.321 outlines the scope of discovery as follows:

Scope. Subject to this subchapter, a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter. It is not ground for objection that the

³ PPL Motion to Compel ¶ 39.

⁴ PPL Motion to Compel ¶ 47.

⁵ 52 Pa. Code § 5.321(c).

information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.⁶

Section 5.350(a) of the Commission's regulations provides the scope of requests for admission:

A party may serve upon another party a written request for the admission of the truth of any matters, within the scope of §§ 5.321—5.324 (relating to general discovery), set forth in the request, that relate to statements or opinions of fact or of the application of law to fact, including the genuineness, authenticity, correctness, execution, signing, delivery, mailing or receipt of a document described in the request. Copies of documents shall be served with the request unless they have been or are otherwise furnished or available for inspection and copying.⁷

Section 5.350(d)(3) further provides the scope of objections to requests for admission:

“Grounds for objections must be specifically stated. A party who considers that a matter of which an admission has been requested presents a genuine issue for hearing may not, on that ground alone, object to the request.”⁸

Further, Section 5.361 of the Pennsylvania Code specifically limits the scope of discovery in proceedings before the Commission. In particular, Section 5.361(a) provides the following:

No discovery or deposition is permitted which:

- (1) Is sought in bad faith.
- (2) Would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or participant.
- (3) Relates to a matter which is privileged.
- (4) Would require the making of an unreasonable investigation by the deponent, a participant or witness.⁹

It is well established that “conclusions of law are not within the permissible scope of requests for admissions under [Pa. R.Civ.P.] 4014,”¹⁰ the Pennsylvania Rule of Civil Procedure

⁶ 52 Pa. Code § 5.321(c).

⁷ 52 Pa. Code § 5.350(a) (emphasis added).

⁸ 52 Pa. Code § 5.350(d)(2).

⁹ 52 Pa. Code § 5.361(a).

¹⁰ *Dwight v. Girard Medical Ctr.*, 623 A.2d 913, 916 (Pa. Cmwlth. 1993) (citing *Commonwealth v. Diamond Shamrock Chemical Co.*, 391 A.2d 1333 (1978)).

which governs requests for admission before Pennsylvania civil courts.¹¹ Pennsylvania Rule of Civil Procedure 4014(a), pertaining specifically to the scope of requests for admission, is worded nearly identically to the Commission’s regulations regarding the scope of requests for admission.¹² Namely, both Pennsylvania Rule of Civil Procedure 4014(a) and 52 Pa. Code Section 5.350(a) provide that requests for admission may only request admissions “that relate to statements or opinions of fact or of the application of law to fact.” Decisions of the Pennsylvania appellate courts interpreting and applying Pennsylvania Rule of Civil Procedure 4014(a) are instructive as to how the Commission has and should interpret 52 Pa. Code Section 5.350(a) with regard to determining the appropriate matters for which a party may request admission.¹³ Under either provision, a party may not request admissions that relate to statements or opinions of law.

In Pennsylvania, it is well established that the attorney work product privilege attaches when attorneys act in their professional capacity on behalf of governmental agencies.¹⁴ To allow a party conducting discovery access to such privileged information would allow them to “gain insight into the agency’s legal and factual research and reasoning, enabling [them] to litigate ‘on wits borrowed from the adversary.’” Worse yet, [they] could gain insight into the agency’s general strategic and tactical approach to deciding when suits are brought, how they are conducted, and on what terms they may be settled.”¹⁵ As the Pennsylvania Supreme Court observed:

¹¹ Pa. R.Civ.P. 4014(a).

¹² Compare Pa. R.Civ.P. 4014(a) (“*A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters within the scope of Rules 4003.1 through 4003.5 inclusive set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness, authenticity, correctness, execution, signing, delivery, mailing or receipt of any document described in the request...*”) (emphasis added) with 52 Pa. Code § 5.350(a) (“*A party may serve upon another party a written request for the admission of the truth of any matters, within the scope of § § 5.321—5.324 (relating to general discovery), set forth in the request, that relate to statements or opinions of fact or of the application of law to fact, including the genuineness, authenticity, correctness, execution, signing, delivery, mailing or receipt of a document described in the request...*”) (emphasis added).

¹³ *Dwight*, 623 A.2d at 916 (citing *Diamond Shamrock*, 391 A.2d 1333).

¹⁴ See, e.g., *Sedat, Inc. v. Pa. Dep’t of Envtl. Res.*, 641 A.2d 1243, 1244 (1994) (citing *Okum v. Unemp. Compensation Bd. of Rev.*, 465 A.2d 1324 (1983)).

¹⁵ *Sedat*, 641 A.2d at 1245 (quoting *F.T.C. v. Grolier*, 462 U.S. 19, 30-31, (1983) (Brennan, J., concurring)).

[T]he work product protection supports our judicial system, based on the adversarial process by allowing counsel privacy to develop ideas, test theories, and explore strategies in support of the client's interest, without fear that the documents in which the ideas, theories and strategies are written will be revealed to the opposing counsel. Allowing counsel to document legal theories without concern of disclosure encourages better representation of clients, which in turn benefits justice.¹⁶

III. ANSWER

A. PPL's Requests for Admission improperly seek admissions of legal conclusions, not admissions concerning the application of law to fact.

PPL, in its Motion to Compel, characterizes the RFAs as requests concerning the “application of law to fact” because the OCA's expert witnesses have offered testimony concerning the costs and cost allocation of the Tomhicken 230 kilovolt (kV) Switchyard Project (Project) as described in PPL's Letter of Notification (LON).¹⁷ This is a mischaracterization of what RFAs Set I, Numbers 10-13 ask the OCA to admit. The fact that OCA witnesses have offered factual testimony and opinions concerning costs does not transform PPL's RFAs seeking legal conclusions into permissible requests concerning the application of law to an identified fact.

Section 5.350(a) establishes specific limitations on requests for admission before the Commission.¹⁸ It permits a party to request an admission concerning matters “that relate to statements or opinions of fact or of the application of law to fact.”¹⁹ The regulation does not authorize a party to require an opposing party to admit or deny a legal proposition merely because that proposition bears some relationship to the subject matter of the proceeding or the opposing party's testimony. Nor does it permit a party to obtain an admission concerning the party's own

¹⁶ *Barrick v. Holy Spirit Hosp. of the Sisters of Christian Charity*, 91 A.3d 680, 686 (Pa. 2014) (Baer, J., Opinion in Support of Affirmance) (citing *Hickman v. Taylor*, 329 U.S. 495, 511 (1947)). The OCA notes that the Opinion in Support of Reversal in the *Barrick* case was limited to disagreeing with Justice Baer's interpretation of Pa. R.Civ.P. 4003.3 as it applied to communications between an attorney and an expert witness. See *Barrick*, 91 A.3d 680 (Saylor, J., Opinion in Support of Reversal).

¹⁷ PPL Motion to Compel ¶¶ 12, 14, 16, 32, 34.

¹⁸ 52 Pa. Code § 5.350(a).

¹⁹ *Id.*

interpretation of a statute or regulation by simply labeling the requested legal conclusion as an “application of law to fact.”

Likewise, Pennsylvania Rule of Civil Procedure 4014(a) permits requests for admission concerning statements or opinions of fact or the application of law to fact.²⁰ The Commonwealth Court has held that “conclusions of law are not within the permissible scope of requests for admissions under Rule 4014.”²¹ Therefore, “statements in the requests for admissions which constitute conclusions of law are not properly before the court.”²² Given the nearly identical language of Rule 4014(a) and Section 5.530(a), the same reasoning applies to interpret both provisions.

Here, PPL’s original RFAs do not point to any specific fact in which to apply to the legal conclusions it seeks to compel the OCA to agree (or disagree) with. This issue is also not corrected in PPL’s amended RFAs as they also do not identify any specific facts to apply the law to. Instead, they generally point to 68 pages of testimony where the OCA’s expert witnesses describe their positions on costs of the Project, but they do not ask the OCA to admit that any particular factual statement in that testimony is true, nor do they identify an undisputed factual predicate and ask the OCA to admit the legal consequence of that fact. PPL cannot transform a question of law into a question of fact simply by attaching a citation and the preceding phrase “[w]ith respect to the statements and recommendations of OCA’s witnesses” to the exact same request for admission. PPL’s proposed amendments, therefore, do not cure the defects identified in the OCA’s objections.

To be clear, PPL’s RFA Set I, Numbers 10-13 are generic averments of law. For example, RFA Number 10 asks the OCA to “admit when the Commission approves the siting and

²⁰ Pa. R.Civ.P. 4014(a).

²¹ *Dwight*, 623 A.2d at 916 (citing *Diamond Shamrock*, 391 A.2d 1333).

²² *Id.*

construction of a proposed HV transmission line under 52. Pa. Code Ch. 57, Subch. G, it does not make any finding or determination regarding the reasonableness or prudence of the costs associated with the HV transmission line,” using an indefinite article which could apply the averment to any set of factual circumstances. RFA Number 13 lacks the use of an article entirely, requesting that the OCA “admit that the Public Utility Code does not authorize the Commission to regulate the allocation of the costs of electric transmission facilities,” and is equally generic to any proceeding.²³ There is no reasonable reading of PPL Set I RFA Numbers 10-13, which transforms the admissions of law into admissions regarding the application of law to the Project facilities.

Accordingly, these RFAs ask the OCA to admit to legal conclusions regarding the authority of the Commission to regulate or determine the reasonableness or prudence of certain costs/cost allocations. These requests require the OCA to interpret (1) the scope of the Commission’s findings and determinations regarding transmission line siting proceedings brought under 52. Pa. Code Ch. 57, Subch. G and (2) the scope of the Commission’s statutory authority under the Public Utility Code. Without conducting legal research or divulging the results of legal research that has already been conducted, the OCA cannot admit or deny the truth of the matters asserted, as the OCA would need to review the Commission’s regulations, Public Utility Code, and Commission and court orders and opinions regarding the same in order to admit or deny the truth of these averments. They do not ask the OCA to admit the application of an undisputed legal rule to an identified fact, as required by Section 5.530(a). If the ALJs fail to deny PPL’s Motion, PPL “could gain insight

²³ While RFA Number 12 does use a definite article, requesting that the OCA “admit that the Public Utility Code does not authorize the Commission to regulate the reasonableness or prudence of the costs associated with *the* HV transmission line,” the request for admission still asks for the admission of a pure question of law. Importantly, in PPL Set I RFAs, PPL does not refer to the Project or Project facilities as “the HV transmission line,” nor does it define the facilities which are the subject of this proceeding as “the HV transmission line”; PPL Motion to Compel ¶ 47 (emphasis added).

into the [OCA's] general strategic and tactical approach to deciding when suits are brought, how they are conducted, and on what terms they may be settled.”²⁴

B. The OCA's reliance on privilege is not defeated by the fact that its witnesses have offered testimony concerning costs and cost allocation.

PPL also argues that the RFAs do not implicate privilege because the OCA's witnesses have already offered testimony concerning Project costs and cost allocation, and they are simply requesting the OCA's experts to admit or deny the legal conclusions presented in the RFAs, not the OCA's attorneys. That argument conflates the disclosure of factual testimony and evidence presented by experts with the disclosure of legal research, analysis, and conclusions presented by the OCA's attorneys.

Section 5.361(a) prohibits discovery that “[r]elates to a matter which is privileged,” and Section 5.323(a) protects from discovery the mental impressions of counsel, as well as counsel's conclusions, opinions, memoranda, notes, summaries, legal research, and legal theories.²⁵ The attorney work-product protection also applies when attorneys act in their professional capacity on behalf of governmental agencies.²⁶

The OCA does not contend that PPL is prohibited from examining the testimony or factual opinions offered by the OCA witnesses. However, here, PPL seeks to require the OCA, through admission signed by the OCA's witnesses, to affirm PPL's legal interpretation of the Public Utility Code and Commission regulations.²⁷ The legal analysis necessary to determine whether PPL's propositions are correct is precisely the type of legal research and reasoning that would be done

²⁴ *Sedat*, 641 A.2d at 1245 (quoting *Grolier*, 462 U.S. at 30-31).

²⁵ 52 Pa. Code §§ 5.361(a)(3), 5.323(a).

²⁶ See, e.g., *Sedat*, 641 A.2d at 1244 (citing *Okum*, 465 A.2d 1324).

²⁷ PPL Motion to Compel ¶¶ 19, 26-27, 34-35, 44-45.

by the OCA's counsel (not its experts) and is protected from discovery as privileged and out of scope.

PPL's suggestions that the OCA could simply answer the RFAs by stating that any contrary position is privileged does not cure the problem. Section 5.350(a) does not authorize an otherwise impermissible request for a legal conclusion merely because the responding party may assert privilege in its answer.²⁸ The threshold question is whether the requested admission is within the permissible scope of a request for admission, and here, it is not.

²⁸ 52 Pa. Code § 5.350(a).

IV. CONCLUSION

The Office of Consumer Advocate respectfully requests that the ALJs deny PPL Electric Utility Corporation's Motion to Dismiss Objections and Compel Responses to Requests for Admission Propounded on the Office of Consumer Advocate - Set I, Nos. 10 Through 13. RFA Numbers 10-13 request that the OCA admit to the truth of averments of law, and, as a result, (1) exceed the scope of the information for which a party can request admission and (2) exceed the scope of discovery before the Commission by requesting information protected by the attorney work product privilege. The OCA will supply its legal positions in its Briefs and cannot be compelled to provide such information in advance of the submission of its Briefs. Therefore, for the reasons set forth in full above, the OCA respectfully requests that the presiding officers sustain its objections to Request Numbers 10-13.

Respectfully submitted,

/s/Olivia M. Spergel

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Dated: August 11, 2026

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