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October 29, 2018

VIA U.S. Mail and Electronic Communication

The Honorable Maureen Leary
The Honorable Dakin Lecakes
State of New York
Public Service Commission
Three Empire State Plaza
Albany, New York 12223-1350

Re: Case/Reference No: 18-E-0067/18-G-0068

Dear Judges Leary and Lecakes:

Aclara Meters, LLC, Aclara Smart Grid Solutions, LLC, and Aclara Technologies LLC (collectively, "Aclara" or "Company") are in receipt of Deborah Kopald's October 18, 2018 application for issuance of a subpoena duces tecum to the Company ("Application"). Accordingly, please allow this letter to serve as the Company's formal response to Ms. Kopald's Application. For the reasons set forth herein, the Application should be denied in its entirety.

On its face, Ms. Kopald's Application is misdirected and improper as it requests testimony and evidence from Aclara Technologies LLC and Aclara Smart Grid Solutions, LLC, neither of which are supplying meters or related product(s) to Orange and Rockland Utilities, Inc. (ORU) / Consolidated Edison Corporation of New York, Inc.(ConEd). Although Aclara Smart Grid Solutions, LLC provides installation services to ORU and ConEd, this entity does not manufacture or supply meters. Consequently, Ms. Kopald's attempt to obtain testimony and evidence from either of these two aforementioned entities is wholly inappropriate and should not be permitted. Even if the Application was appropriately directed to Aclara Meters, LLC, the Application requests studies, reports and other documents that are not in possession, custody or control of Aclara. For obvious reasons, Aclara cannot be compelled to produce studies, reports or other documents that are not in existence. Of what materials do exist, the requests seek highly confidential materials that are outside the scope of this proceeding.

Furthermore, the Application should be denied because the Application seeks information that is unreasonable, unduly burdensome, overbroad, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. For example, a request on page 3 of the Application demands production of "All notes, studies and all other documents about the failure rates of the METERS and everything else known about failures of the METERS...". Not only does this request seek information not relevant to the proceeding at hand, it is unduly burdensome and overbroad. In



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fact, we respectfully submit that Application appears to be an impermissible fishing expedition as not a single request posed in Ms. Kopald's Application is appropriately limited in scope or time.

For at least the foregoing reasons, the Application should be denied in its entirety. If you have any questions or require any additional information or explanation, please do not hesitate to call me at (314) 895-6436.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Robert Enyard, Jr.", written over a horizontal line.

Robert Enyard, Jr.
V.P. Legal Counsel