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December 19, 2016

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Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RE: **Michele Hriadil and Francis Hriadil v. Duquesne Light Company**
Docket No. C-2016-2571726

Dear Secretary Chiavetta:

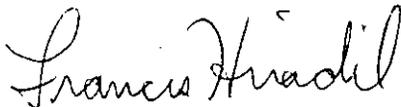
Enclosed please find our written response to the Corrected Preliminary Objections of Respondent Duquesne Light Company. It is an Addendum to our filed November 29, 2016 written response, and specifically addresses the missing page content of the original Preliminary Objections filing that was added back into the Respondent's Corrected Preliminary Objections. It has been submitted in accordance with the agreed upon deadline of December 21, 2016.

This written response, along with our previous written response of November 29, 2016, together, comprise our response to the Respondent's Preliminary Objections.

A copy of this document has been served upon the Respondent's Counsel, Jeremy V Farrell, Esquire, in accordance with Commission regulations.

Please feel free to contact me if you have any questions.

Sincerely,



Francis Hriadil
Complainant
(412) 779-3314
hriadil@attglobal.net

Enclosure

Cc: Jeremy V Farrell, Esquire, Counsel for Duquesne Light Company (with enclosure)

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DEC 19 2016

MICHELE HRIADIL and
FRANCIS HRIADIL,

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Complainant,

vs.

No: C-2016-2571726

DUQUESNE LIGHT COMPANY,

Respondent.

**Complainants Response Addendum to
CORRECTED PRELIMINARY
OBJECTIONS TO FORMAL COMPLAINT**

Filed by Michele and Francis Hriadil

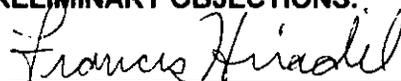
hriadil@attglobal.net
(412) 779-3314
331 Shady Ridge Drive
Monroeville, PA 15146

**COMPLAINANTS RESPONSE ADDENDUM to
CORRECTED PRELIMINARY OBJECTIONS TO FORMAL COMPLAINT**

TO: RESPONDENT'S GENERAL COUNSEL, JEREMY V FARRELL, ESQUIRE, AND LAUREN N RULLI, ESQUIRE .

HERE IS THE FILING OF OUR WRITTEN RESPONSE TO THE CORRECTED PRELIMINARY OBJECTIONS OF RESPONDENT DUQUESNE LIGHT COMPANY, WHICH WAS FILED ON DECEMBER 6, 2016. THIS HAS BEEN SUBMITTED TO YOU PER THE AGREED UPON DEADLINE OF DECEMBER 21, 2016.

THIS IS AN ADDENDUM TO OUR PREVIOUSLY FILED NOVEMBER 29, 2016 RESPONSE TO THE RESPONDENT'S ORIGINAL PRELIMINARY OBJECTIONS FILING. IT SPECIFICALLY ADDRESSES THE MISSING PAGE CONTENT OF THAT ORIGINAL FILING THAT WAS ADDED BACK INTO THE RESPONDENT'S CORRECTED FILING. BOTH OF OUR WRITTEN RESPONSE FILINGS, TOGETHER, COMPRISE OUR RESPONSE TO THE RESPONDENT'S PRELIMINARY OBJECTIONS.



Francis Hriadil
December 19, 2016

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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DEC 19 2016

MICHELE HRIADIL and
FRANCIS HRIADIL,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

No: C-2016-2571726

**Complainants Response Addendum to
CORRECTED PRELIMINARY OBJECTIONS TO FORMAL COMPLAINT**

TO THE HONORABLE COMMISSION:

We have read the Corrected Preliminary Objections of the Respondent's Counsel, Jeremy V Farrell, in its entirety and have the following responses and exceptions:

Summary: Respondent's Counsel added page 5, which was missing from the Respondent's original Preliminary Objections filing of November 4, 2016. Otherwise, pages 1, 2, 3, 4, and 6 of the Corrected Preliminary Objections and the original Preliminary Objections are the same.

Our responses and exceptions to those listed pages, that were originally included, were provided in our November 29, 2016 response. In this Addendum to our November 29, 2016 response, we specifically address the missing page 5 content that was added back into the Corrected Preliminary Objections.

This written response, along with our previous written response of November 29, 2016, together, comprise our response to the Respondent's Preliminary Objections.

1. - 10. DLC Counsel's statements: 1. through 10.

Complainants (Our) Response:

1. - 10. Our written responses and exceptions to these statements are provided in our filed November 29, 2016 written response.

11. DLC Counsel's statement: Similarly in Campisi, supra, ALJ Salapa granted PECO's preliminary objections and dismissed as legally insufficient a formal complaint filed by a customer who did not want a smart meter installed at her residence. In pertinent part, ALJ Salapa noted: "The Commission has continued to uphold smart meter installation and charges and dismiss complaints opposing smart meter installation and charges on the basis of legal insufficiency." Id. The ruling further provides:

Because Act 129 of 2008 and the Commission's orders authorize the Respondent to develop and implement a smart meter procurement and installation plan, and impose a smart meter charge on its customers to pay for that development, implementation, procurement and installation and do not allow a customer to opt out of having a smart meter installed, the Complainant has not set forth in her complaint any act done by the Respondent that violates a Commission regulation, statute, or order.

Id. See also, Drake v. Pennsylvania Electric Co., Docket No. C-2014-2413771, 2014 WL 2003281 at *1 (Pa. P.U.C. May 7, 2014) (Salapa, AU) (dismissing the complaint of a customer who wanted to opt out of the company's smart meter program due to privacy and safety concerns); Negley v. Metropolitan Edison Co., Docket No. C-2010-2205305 (Initial Decision Jan. 3, 2011) (Colwell, AU) (ruling that the Commission regulations relating to smart meter plans did not exempt any customers from the plans or empower the Commission to allow customers to opt out of having smart meters installed at their residence); Lutherschmidt v. Metropolitan Edison Co., Docket No. C-2010-2200353 (Initial Decision Jan. 3, 2011) (Weismandel, AU) (same); Ratcliffe Sour v. Duquesne Light Co., [Docket No. C-2016-2523603, 2016 WL 1301692 (Pa. P.U.C. March 9, 2016) (Colwell, AU) (same)]; Driscoll v. Duquesne Light Co., Docket No. C-2015-2514759 (Final Order entered Feb. 22, 2016) (same).

Complainants (Our) Response:

11 (a). This objection started on page 4 and continued onto the missing page 5.

11 (b). In the context of where it raises the issue of legal insufficiency, the

Complainants (we) again refer to the precedents, cited in Complainants November 29, 2016 Response 2 (c).,

of: Norbert Sliwinski v Duquesne Light Company, C-2016-2559985,

Thomas and Margery McCarey vs PECO Energy Company,
Docket No. C-2013-2354862

Laura Sunstein Murphy v PECO Energy Company, Docket No. C-2015-2475726.

where the rote objection by the Respondent of "legal insufficiency" was denied because the Formal Complaints by these Complainants, which are not materially different from our own, were ruled to be sufficient, and in the public interest.

11 (c). DLC Counsel's reference here to Campisi et al "opt-out" cases is irrelevant and immaterial as per the first and foremost tenet, Provision § 2807 (f) (2) (i), of Act 129, we have never agreed to opt-in. We have never requested a smart meter, nor have we agreed to pay for a smart meter. As with DLC Counsel's statement 8., we again aver that this statement has been addressed and argued in Complainants November 29, 2016 Responses 1 (a), 1 (g), 2 (a), 2 (c), 4 (c), 5 (a) - 5 (c), 6 (a) - 6 (d) The continued rote reference to us requesting an opt-out of a program that we never agreed to opt-into is a misrepresentation of the facts of the situation.

11 (d). And, as stated in Complainants November 29, 2016 Response 2 (a)., the Complainants (we) aver that this is, in fact, in violation of Section 1501 of the Public Utility Code, which clearly states that

"every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public." (emphasis added)

As such, the Complainants (we) aver that our Formal Complaint does meet the criteria for being legally sufficient.

12. DLC Counsel's statements: The Commission has made clear that public policy arguments like the ones Complainants raises throughout the Complaint are insufficient to state a cognizable claim: "Moreover, in Povacz we rejected the complainant's citation to public policy arguments which included studies relating to the alleged dangers of smart meter technology. Here, Mr. Starr's Complaint relies primarily on public policy arguments about the claimed health concerns of smart meters. Under the circumstances of this case, a hearing was not required to resolve such issues of policy, *see e.g., Dee-Dee Cab*, and we find no error in the AL's granting of the preliminary objections." Starr v. PECO

Energy Co., Docket No. C-2015-2516061, 2016 WL 4699145, at * 7 (Pa. P.U.C. Sept. 1, 2016).

Complainants (Our) Response:

12 (a). This objection appeared on the missing page 5.

12 (b). The Respondent Counsel's claim that "the Commission has made clear that public policy arguments like the ones Complainants raises throughout the Complaint are insufficient to state a cognizable claim" is factually untrue. Again we refer to the precedents, cited in Complainants November 29, 2016 Response 2 (c).,

of: Norbert Sliwinski v Duquesne Light Company, C-2016-2559985,

Thomas and Margery McCarey vs PECO Energy Company,
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Laura Sunstein Murphy v PECO Energy Company, Docket No. C-2015-2475726.

Susan Kreider v. PECO Energy Company, Docket No. C-2015-2469655

where the rote objection by the Respondent of "legal insufficiency" was denied because the Formal Complaints by these Complainants, which are not materially different from our own, were ruled not only to be sufficient to define a cognizable claim; but, were also ruled to be in the public interest.

13. DLC Counsel's statements: In short, Complainants -- who concede that they have not yet even had a smart meter installed at their residence -- have failed to state a legally sufficient claim. As recently noted by ALJ Salapa in granting preliminary objections in a similar case:

In this case, the complaint does not allege that the Respondent has installed a smart meter at the Complainant's residence. The complaint does not allege that a smart meter has caused the Complainant to experience adverse health effects, let alone specific physical symptoms. Since the complaint in this case does not allege that the Respondent installed a smart meter at the Complainant's residence and does not allege that the Complainant has suffered specific physical symptoms resulting from the installation of a smart meter, Kreider is not applicable to this case.

White v. Pa. Elec. Co., Docket No. 2016-2553449, 2016 WL 4987948, at *6 (Pa. P.U.C. Aug. 23, 2016) (Salapa, ALJ). -

Complainants (Our) Response:

13 (a). This objection started on the missing page 5, and concluded on the

provided page 6.

13 (b). This issue was raised in Respondent's statement 1 and has been addressed and argued in Complainants November 29, 2016 Responses 1 (a) - 1 (g), etc.

To summarize, while a Smart Meter has not currently been installed in place of our current meter, Smart Meters have been installed on the other 5 units comprising our condominium building. So, Smart Meters have been installed on other residences in close proximity to and directly surrounding our residence. And, Smart Meters have been installed on other residence buildings throughout our condominium neighborhood. So, we are, in fact, currently and already being exposed to the 1000s of daily pulsed radiation emissions put out by these meters, some of which, as I have indicated, are in very close proximity to areas we frequent daily and where we spend a great deal of time, both indoors as well as outdoors. And, I pointed out that I have already begun to notice an increased **persistent ringing in my ears**, which is one of the many symptoms that have been documented.

Furthermore, in our Formal Complaint and in our November 29, 2016 written response, I have documented that **we are elderly. And, as such, we are in one of the primary target groups that have been shown to be particularly vulnerable and susceptible to the harmful effects caused by the frequent pulsed radiation emitted by this type of grid, and these type of devices. Smart Meters have been shown to increase the likelihood of cancer and other ailments. We have provided notice that we have number of chronic conditions, specifically with regard to musculoskeletal and gastrointestinal issues, that have been shown to be aggravated by these type of frequent pulsed radiation emissions.** (Exhibits were provided to substantiate these issues, and to validate that Smart Meters represent a **credible and real threat of long term serious harm, especially to certain vulnerable classes of individuals, of which we are counted.**)

So, the Complainants (we) aver that we are currently being harmed by the Smart Meters that have already been installed in close proximity to us. And, we further aver that this harm will increase and worsen significantly, if a Smart Meter is installed directly on our residence unit, in place of our current meter. The symptomology that has been reported universally, and documented, with Smart Grids and Smart Meters is that the effects accumulate and worsen over time. And, the culpability and liability of the EDCs, the PA PUC, and the state of Pennsylvania with regard to any unreasonable, unrequested, unjustified, and "blanket" or "blind" universally-without-exception imposition of these type of devices and this type of program, for which there is no Federal mandate, will not go unrecognized and un-pursued.

13 (c). As such, *Susan Kreider v. PECO Energy Company*, Docket No. C-2015-2469655, contrary to Respondent Counsel's assertion, is clearly applicable, relevant, and germane to our complaint. We learned that Susan Kreider tragically just passed away at the relatively young age of 59, due to complications. It was her assertion that her continued exposure to pulsed radiation emissions produced by a Smart Meter that was installed on her residence was, at a minimum, a contributing factor to her compromised health condition. It was established by her that her unilateral removal of that Smart Meter resulted in the improvement of her condition. And, in September 2016, it was ruled that she had established a prima facie case of harm caused by Smart Meters. We do not want to become a statistic and a casualty of this program, and this process.

14. DLC Counsel's statement: Since Duquesne Lights installation of smart meters is consistent with, and not a violation of, the Code and Commission regulations and orders, the Formal Complaint is legally insufficient and must be dismissed in accordance with Commission precedent.

Complainants (Our) Response:

14. This is the last Preliminary Objection provided by DLC's Counsel. It appears on page 6 of the Respondent's original Preliminary Objections and the Corrected Preliminary Objections. We will reproduce here, and elaborate on, the response we provided in our November 29, 2016 response filing.

The Complainants (we) aver that we have made the case for legal sufficiency, and that Duquesne Light's installation of Smart Meters is in conflict with Section 1501 of the Public Utility Code as discussed in Complainants November 29, 2016 Responses 2 (a) - 2 (c). And, we aver according to prior Commission rulings and precedents set in

Norbert Sliwinski v Duquesne Light Company, C-2016-2559985,

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Susan Kreider v. PECO Energy Company, Docket No. C-2015-2469655

that the Preliminary Objections submitted by DLC's Counsel must be denied because our Formal Complaint is valid, has merit, and is a matter that is in the public interest.

In conclusion, the Complainants (we) aver that we have, with this Addendum and our November 29, 2016 filed response, adequately addressed all of Respondent Duquesne Light's Preliminary Objections as filed by their Counsel, in both the original Preliminary Objections filing and the subsequent Corrected Preliminary Objections filing. Though these Preliminary Objections appeared to us to be somewhat repetitious, we addressed each objection in turn.

In our written responses in this Addendum filing and our November 29, 2016 response filing, we have cited,

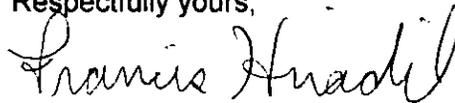
- (1) the first and foremost deployment provision of Act 129, the voluntary Opt-In provision, Provision § 2807 (f) (2) (i),
- (2) the documented and clearly stated intention of the General Assembly that created HB 2200 and Act 129,

- (3) Section 1501 of the Public Utility Code explicitly requiring the EDCs to provide equipment and service that is proper for the accommodation, convenience, and safety of its patrons,
- (4) relevant precedents and rulings by the PUC in support of our position and Formal Complaint,
- (5) the special circumstances related to our age and physical condition,
- (6) the credible threat of harm that has been established in the more recent studies associated with Smart Meters, the Smart Grid, and the perpetual pulsed radiation that they emit,
- (7) and, the simple fact that, even accepting as valid (which we do not) that the wording of § 2807 (f) (2) (iii) specifies a state-wide mandatory universal 15 year deployment deadline starting from the enactment of the law in 2008, our current meter would not actually and normally be due for replacement until near the year 2023. As such, and recognizing the further unassailable fact that we have not requested or agreed to the immediate and accelerated installation of a Smart Meter, until that "deadline" occurs, we are not currently in violation of any aspect of Act 129 no matter how it is interpreted.

WHEREFORE, considering these facts along with the many other relevant factors we have presented in this written response Addendum and our previously filed November 29, 2016 written response to both the Respondent's original Preliminary Objections and the Corrected Preliminary Objections, Complainants Michele Hriadil and Francis Hriadil respectfully request that the Commission deny Duquesne Light Company's Preliminary Objections, as has occurred in other similar complaints before the Commission.

We reiterate that we believe that we have adequately addressed each of the Respondent's objections in turn; that we have established that our Formal Complaint is valid and has merit, and is neither frivolous nor a waste of everyone's time and resources; that we have provided sufficient evidence that this is a matter of public interest; and finally that we have established that Duquesne Light has no basis to ask for our complaint to be dismissed.

Respectfully yours,



Francis Hriadil
(412) 779-3314
331 Shady Ridge Drive
Monroeville, PA 15146

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DEC 19 2016

MICHELE HRIADIL and
FRANCIS HRIADIL,

PA PUBLIC UTILITY COMMISSION
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Complainant,

vs.

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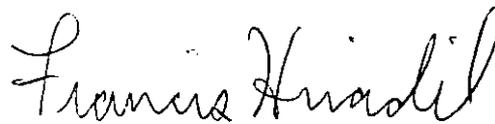
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participant listed below in accordance with the requirements of 52 PA. Code § 1.54 (relating to service by a participant):

Jeremy V Farrell, Esquire
Lauren N. Rulli, Esquire
1500 One PPG Place
Pittsburgh, PA 15222
(412) 594-5619 (Fax)

Counsel for Respondent, Duquesne Light Company

Dated this 19th day of December, 2016



Michele and Francis Hriadil
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Monroeville, PA 15146
(412) 779-3314
hriadil@attglobal.net

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