

January 17, 2017

*Via Electronic Filing*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

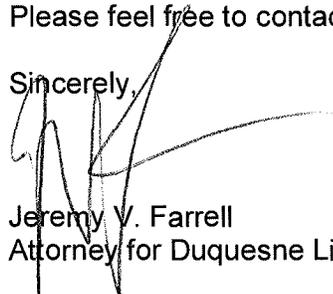
**RE: Michele Hriadil and Francis Hriadil v. Duquesne Light Company**  
Docket No. C-2016-2571726

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Answer in Opposition to Complainant's Motion for Summary Judgment. A copy of this document has been served upon Complainant in accordance with Commission regulations.

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

Sincerely,



Jeremy V. Farrell  
Attorney for Duquesne Light Company

Lauren N. Rulli  
Attorney for Duquesne Light Company

Enclosure

cc: Michele Hriadil and Francis Hriadil (with enclosure)

LIT:617407-1 014657-158498





and New Matter to Formal Complaint, p. 40. Essentially, Complainants sought a judgment from the Commission stating they are not required to have a smart meter installed at their residence. Id.

3. While it is unclear whether Complainants intended their Response to Duquesne Light's Answer and New Matter to double as a Motion for Summary Judgment, Duquesne Light is forced to assume that to be the case out of an abundance of caution. Duquesne Light, therefore, files this Answer opposing Complainant's request for summary judgment pursuant to 52 Pa. Code § 5.102(b).

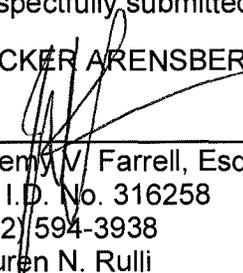
4. Under the Commission's regulations, summary judgment is appropriate "if the applicable pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving party is entitled to judgment as a matter of law." 52 Pa. Code § 5.102(d)(1).

5. Complainants are not entitled to summary judgment. Quite the contrary, for the reasons set forth in Duquesne Light's Preliminary Objections, which are incorporated by reference as if fully restated, it is Duquesne Light that is entitled to judgment as a matter of law. Pennsylvania law simply does not permit Complainants to opt out of Duquesne Light's smart meter program. See, e.g., 66 Pa. C.S. § 2807(f)(2); Francis v. PECO Energy Co., Docket No. C-2014-2451351, 2015 WL 5011620 at \*7 (Pa. P.U.C. August 20, 2015) noting that "there is no provision in the Code, the Commission's Regulations, or Commission Orders that permits a customer to opt out of having a smart meter installed on his or her premises."); Campisi v. PECO Energy Co., Docket No. 2014-2434501, 2014 WL 4644282 at \*1 (Pa. P.U.C. Sept. 3, 2014) (Salapa, ALJ); Povacz v. PECO Energy Co., Docket NO. C-2012-2317176, 2013 WL 392699 (Pa. P.U.C. Jan. 24, 2013); Evans v. PECO Energy Co., Docket No. C-2013-2368477, 2013 WL 7019103 at \*3 (Pa. P.U.C. Dec. 19, 2013) (Hoyer, ALJ).

WHEREFORE, Respondent Duquesne Light Company respectfully requests that the Pennsylvania Public Utility Commission deny Complainant's request for summary judgment.

Respectfully submitted,

TUCKER ARENSBERG, P.C.



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Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHELE HRIADIL and  
FRANCIS HRIADIL,

Complainant,

vs.

No: C-2016-2571726

DUQUESNE LIGHT COMPANY,

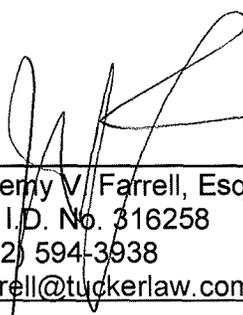
Respondent.

**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):

Michele Hriadil and Francis Hriadil  
331 Shady Ridge Drive  
Monroeville, PA 15146

Dated this 17<sup>TH</sup> day of January, 2017

  
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