

331 Shady Ridge Drive
Monroeville, PA 15146

February 14, 2017

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Via Paper Filing

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

FEB 14 2017

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

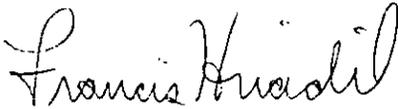
Dear Secretary Chiavetta:

Enclosed please find Complainants New Matter #4 to add to our Formal Complaint filed by Michele and Francis Hriadil.

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)

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHELE HRIADIL and
FRANCIS HRIADIL,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

NEW MATTER #4

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

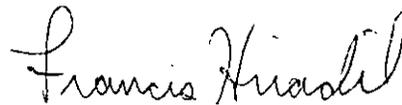
Filed by Michele and Francis Hriadil

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

NOTICE TO PLEAD on NEW MATTER #4

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

YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE WITHIN NEW MATTER OF COMPLAINANTS MICHELE AND FRANCIS HRIADIL WITHIN TWENTY (20) DAYS OF SERVICE HEREOF, OR A JUDGMENT MAY BE ENTERED AGAINST YOU.



Francis Hriadil
February 14, 2017

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHELE HRIADIL and
FRANCIS HRIADIL,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

NEW MATTER #4

TO THE HONORABLE COMMISSION:

1. Complainants (our) Formal Complaint, Complainants (our) November 29, 2016
Response to Respondent's original Preliminary Objections, Complainants (our) December 19, 2016
Response Addendum to Respondent's Corrected Preliminary Objections, Complainants (our)
January 9, 2017 Response to the Respondent's Answer and New Matter, Complainants (our)
January 20, 2017 Response to the Respondent's Answer in Opposition to Complainant's Motion for
Summary Judgment, Complainants (our) January 24, 2017 New Matter, Complainants (our)
January 27, 2017 New Matter #2, Complainants (our) February 3, 2017 New Matter #3, all Supporting
Documents and all Exhibits, are incorporated here-in by reference as if fully restated.

2. Complainants (we) wish to raise a New Matter with regards to rights and protections acknowledged and established in the Pennsylvania State Constitution and the Constitution of the United States.

3. Section 1 of the Constitution of the Commonwealth of Pennsylvania states:

§ 1. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness. (emphasis added)

The Pennsylvania Constitution acknowledges that all citizens have inherent and indefeasible rights which cannot be abrogated or infringed. The Smart Meter Implementation Order, as currently structured and written, imposes on Complainants (us) a flawed and dangerous Smart Meter device and technology, which was unrequested and not agreed to by the Complainants (us) per Act 129, and has been shown to be risky, insecure, a credible threat of harm, and invasive to an unprecedented degree. As such, it is in violation of Section 1 of the State Constitution.

4. Section 2 of the Constitution of the Commonwealth of Pennsylvania states:

§ 2. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper. (emphasis added)

As an agency of the state, the Commission cannot ignore its mandate to act in the best interest of the "peace, safety, and happiness" (i.e. the well-being) of the residents of Pennsylvania. The Smart Meter Implementation Order, as currently structured and written, imposes on Complainants (us) a flawed and dangerous Smart Meter device and technology, which was unrequested and not agreed to by the Complainants (us) per Act 129, and has been shown to be risky, insecure, a credible threat of harm, and invasive to an unprecedented degree. As such, it is in violation of Section 2 of the State Constitution. It provides neither peace, safety, nor happiness. Rather, it provides concern, danger, and distress.

5. Section 8 of the Constitution of the Commonwealth of Pennsylvania states:

§ 8. The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant. **(emphasis added)**

A person literally cannot be "secure in their persons, houses, papers, and possessions" with a Smart Meter attached to their residence. The data being collected, stored, and transmitted cannot be guaranteed to be secure. It can be hacked and intercepted. It can be analyzed to reveal the private and personal activities of the residents in the home. It can even be modified. And, this can happen at any point along the Smart Grid, from the Smart Meter on the individual residence all the way up to the EDCs data collection, archiving, and analysis centers. Many security experts, and even former Director of the CIA, James Woolsey, have testified to this fact.

The Smart Meter Implementation Order, as currently structured and written, imposes on Complainants (us) a flawed and dangerous Smart Meter device and technology, which was unrequested and not agreed to by the Complainants (us) per Act 129, that has been shown to be risky, insecure, a credible threat of harm, and invasive to an unprecedented degree, and, as such, is in violation of Section 8 of the State Constitution. It compromises the safety, sanctity, and security of the home and its residents.

This private data can be misused and abused at any time, without the knowledge and awareness of the residents, to reveal their personal and private activities. And, the Smart Meter itself can be reprogrammed and hacked without the homeowner being aware.

6. Section 11 of the Constitution of the Commonwealth of Pennsylvania states:

§ 11. All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct. **(emphasis added)**

As stated in the state constitution, the Commission, the state of Pennsylvania, and the EDCs are liable for any harm or injury done to the homeowners' lands, goods, persons, or reputation as a result of the imposed installation of a Smart Meter. The preponderance of the evidence is such that the risks and dangers of Smart Meters can no longer simply be ignored or dismissed. To do so would be blatantly irresponsible, and a wanton act of disregard and negligence to do so.

7. Section 26 of the Constitution of the Commonwealth of Pennsylvania states:

§ 26. Neither the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right.
(May 16, 1967, P.L.1035, J.R.1) **(emphasis added)**

The Commission cannot deprive Complainants (us) of our rights, nor discriminate against citizens for exercising those rights.

8. Section 27 of the Constitution of the Commonwealth of Pennsylvania states:

§ 27. The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.
(May 18, 1971, P.L.769, J.R.3) **(emphasis added)**

We have all seen pictures of Beijing (in the news on 12/19/2016 for example), where smog and air pollution is so bad that it causes pollution Red Alerts and the shutdown of factories, schools, etc. We have all seen pictures of London (in the news on 01/26/2017 for example) engulfed in smog, where Black Alert toxic smog and air pollution swamped the capital and children were forced to stay indoors. We see these kinds of pictures and recoil at the sight of it. But, towns and cities in the US are currently being engulfed in, and their citizens are being exposed to dangerous and toxic RF radiation smog. It is growing so bad that RF devices are now being restricted from schools, nurseries, and daycares for the protection of children. The home environment is even more critical, and requires special consideration and protection as well.

You cannot see this RF smog. But, just because it is unseen does not mean it is inconsequential. It is not natural. It is not a part of the natural environment. It is a dangerous contaminant being transmitted throughout the natural environment. And, it has been recognized as such by the World Health Organization (WHO), which has declared it, at a minimum, to be a "Group 2B" class pollutant, such as lead, engine exhaust, and DDT. And, as such, it is a agent that represents a potential "carcinogenic hazard". In 2016, the National Institutes of Health (NIH) released *conclusive, peer reviewed, experimental evidence that this RF radiation smog damages DNA and produces cancer*. This study was praised by the American Cancer Society (ACS) and others. It has been characterized as good science. And, its results have been recognized as having **broad implications for public health**.

This RF radiation pollution is becoming prevalent everywhere. It has now become a part of the very air and environment around us. Air containing RF radiation cannot be judged as clean and natural. No one would consider nuclear radiation harmless. It too is invisible; but, it is extremely dangerous. RF radiation is no less a pollutant than lead, or DDT, or engine exhaust.

Did the PA PUC and the EDCs have to implement such a risky and harmful technology to create a Smart Grid? No, they did not. There is an alternative technology, Power Line Communications (PLC), which uses the exiting power lines for signal transmission. This technology is being implemented in the Smart Grids in Italy, Spain, France, Germany, Sweden, etc. They have wisely chosen that technology, as opposed to the proliferation of wireless RF Smart Meter transmitters, because it is comparable in capability, low in cost, and does not require any major new infrastructure. And, all other matters aside, it has the profound advantage that it does not expose its citizens to unrelenting and harmful RF radiation as there are no pulsing RF transmitters mounted on everyone's residences and property.

The Pennsylvania Constitution guarantees its residents the right to clean air and a natural environment free from harmful contamination. The unrequested system-wide deployment of Smart Meters, such as the SK9AMI7 currently being deployed by Duquesne Light, represents a direct infringement of this right. And, the Commonwealth, and the Commission, are explicitly mandated in the state constitution to uphold this right, and maintain the "cleanliness" of the air and the natural state of the environment, for the well-being of all residents.

9. Section 31 of the Constitution of the Commonwealth of Pennsylvania states::

§ 31. The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever. (emphasis added)

Smart Meters operate in a Smart Grid or Mesh Network. The justification for their deployment is that they are a "municipal upgrade" being implemented "for the public benefit." The General Assembly passed Act 129. That Act specifically stated that EDCs "shall furnish" Smart Meter technology "upon request from a customer that agrees to pay the cost ... and in new construction in accordance with a depreciation schedule not to exceed 15 years." It is a direct violation of Section 31 of the Pennsylvania Constitution to make an Implementation Order that changes and interferes with this directive, and the clearly stated intention of the General Assembly.

10. The Constitution of the United States also acknowledges and establishes certain rights and protections.

The **4TH AMENDMENT** states:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

(emphasis added)

The 4th Amendment provides specific protection for the home, one that is deeply ingrained in Anglo-Saxon law. The Supreme Court has recognized the special status and sanctity of the home, and has persistently safeguarded that status. The Court has asserted the right of every person to retire into his/her own home and to be free from unreasonable intrusion there.

Smart Meters present an intrusion into the sanctity of the home. The scope and detail of the personal information that Smart Meters are capable of providing enables a far more personal picture of a family or an individual than was available at any time in the past. Smart Meters can convey very detailed information about the activities that occur within the home. They can, for example, detect the individual appliances that residents are using; whether a house is empty or occupied; and when the inhabitants take their daily showers or baths. They provide an inherent capability that would enable and facilitate the monitoring of US citizens in their own homes.

This establishes an invasion of privacy at an unprecedented level and, as such, infringes on everyone's 4th Amendment rights. The courts have already expressed concern about new technology of this type eroding the constitutional protection of privacy. The collection and use of Smart Meter data contravenes this constitutional protection. It compromises the safety, sanctity, and security of the home and its residents.

11. Further, in the US Constitution,

the **5th AMENDMENT** states:

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger;
nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb;
nor shall be compelled in any criminal case to be a witness against himself,
nor be deprived of life, liberty, or property, without due process of law;
nor shall private property be taken for public use, without just compensation."

(emphasis added)

(i). shall not be compelled to be a witness against himself.

Smart Meters and the Smart Grid compel the dwellers in the residence, or owner of the property, to be an involuntary and unwitting witness against themselves by the mere fact of having the Smart Meter on their residence collecting data. Their activities in the home are actively being collected, monitored, and analyzed.

(ii). shall not be denied life, liberty, or property...

The preponderance of evidence establishing the harmful of effects of rapidly pulsating RF radiation being emitted by Smart Meters, such as the Duquesne Light / Itron SK9AMI7 Smart Meter, has already been discussed extensively in Complainants (our) previous filings. Because of this credible threat of harm, the installation of an SK9AMI7 on our patio/porch will deprive the Complainants (us) of life, liberty, and property.

With the Smart Meter located on our patio/porch so close to our front bench, Complainants (we) will no longer have the free and safe utilization of the front patio/porch and other areas of the property near the Smart Meter, that are part of our normal home environment. This will deny us the use of parts of our home property, and areas and features of the home that were reasons why the property was purchased in the first place.

(iii). shall not have their private property taken for public use without just compensation.

Smart Meters operate in a Smart Grid or Mesh Network. The justification for their deployment is that they are being implemented "for the public benefit." They use signal hopping from one person's home or business to another, acting as communication devices for the utilities, regardless of whether or not the homeowner wants his/her home to be used as a "relay station" for the utility. The home or business owner has no choice in the matter. The private properties of each and every home and business owner are being "taken" and utilized as communications hubs and relay stations for the EDCs. And, the EDCs are utilizing this "imposed use" for their own economic benefit.

So, in a number of aspects, namely, the imposed installation of a Smart Meter which acts as a communications hub and relay station for the EDC without compensation to the homeowner, which deprives residents safe access and utilization of parts of their property, which compels the home dwellers to become involuntary and unwitting witnesses against themselves in any potential future criminal legal proceeding, and which was unrequested and not agreed to by the Complainants (us) per Act 129, is in violation of the 5th Amendment of the US Constitution.

12. Further, in the US Constitution,

the **10th AMENDMENT** states:

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.”

(emphasis added)

The US Constitution does not allow the federal government, or state governments and their agencies, to impose dangerous and harmful devices that can be used to invade the privacy of and monitor American citizens in their own homes.

13. Further, in the US Constitution,

the **14th AMENDMENT** states:

“...No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the US; nor shall any State deprive any person of life, liberty, or property, without due process of law... ”

(emphasis added)

The imposed installation of Smart Meters abridges the privileges and immunities of U.S. citizens through the enforcement of a program that was intended by the General Assembly to be optional and voluntary, and because it deprives citizens of life, liberty, and property.

14. So, in addition to directly and specifically violating

§ 2807 (f) (2) (i) of Act 129,

and the declared and documented **optional, voluntary intent of the General Assembly,**

as Complainants (we) have **never requested or agreed to pay for a Smart Meter,**

and **§ 1501 of the Public Utility Code**

which requires every public utility to furnish and maintain **“adequate, efficient, safe, and reasonable service and facilities”** that provides **“for the accommodation, convenience, and safety of its patrons, employees, and the public.”**

as established in Complainants (our) previous filings, various inalienable and indefeasible rights, and civil rights and protections, recognized and detailed in the Constitutions and laws of both the state of Pennsylvania and that of the United States of America, are being contravened by the current forced deployment of the SK9AMI7 Smart Meter by Duquesne Light. These include, but are not limited to:

Sections § 1, § 2, § 8, § 26, § 27, § 31,

of the Constitution of the Commonwealth of Pennsylvania

and Amendments **4, 5, 10, and 14**

of the US Constitution.

And, where federal law gives more protection to citizens than state law, the federal law supersedes state law.

All of this cannot simply, ethically, and legally be ignored or dismissed.

WHEREFORE, considering the incontrovertible facts and issues established here-in, along with the many other relevant factors Complainant's (we) have presented in our Formal Complaint, in our in our previously filed February 3, 2017 New Matter #3, our January 27, 2017 New Matter #2, our January 24, 2017 New Matter, our January 20, 2017 Response to the Respondent's Answer in Opposition to Complainant's Motion for Summary Judgment, our January 9, 2017 Response to the Respondent's Answer and New Matter, and our November 29, 2016 and December 19, 2016 written responses to both

the Respondent's original Preliminary Objections and the Corrected Preliminary Objections,
Complainants Michele Hriadil and Francis Hriadil respectfully request the following:

- #1. the Complainants (we) aver that Sections § 1, § 2, § 8, § 26, § 27, § 31,
of the Constitution of the Commonwealth of Pennsylvania stipulate the rights of,
and provide protections for, the citizens of Pennsylvania. They, along with other resident
rights and protections, are a matter of state law, and cannot be ignored or dismissed.
And, Complainants (we) respectfully request that the Commission rule that it is a
Material Fact that this is the case.

- #2. the Complainants (we) aver that Amendments 4, 5, 10, and 14 of the US Constitution
stipulate the rights of, and provide protections for, the citizens of the United States and
residents of Pennsylvania. They, along with other citizen rights and protections, are a
matter of federal law, and cannot be ignored or dismissed. And, Complainants (we)
respectfully request that the Commission rule that it is a Material Fact that this is the
case.

- #3. the Complainants (we) aver that where federal law gives more protection to citizens than
state law, the federal law supersedes state law. And, Complainants (we) respectfully
request that the Commission rule that it is a Material Fact that this is the case.
[Reference: The 10th and 14th Amendments of the US Constitution.]

- #4. the Complainants (we) aver that, as residents of Pennsylvania, we have inherent and
indefeasible rights which include but are not limited to enjoying life and liberty,
defending life and liberty from all dangers; acquiring and possessing property;
protecting our families, our homes, our properties, and our reputations; and pursuing our
own happiness and well-being. And, Complainants (we) respectfully request that the

own happiness and well-being. And, Complainants (we) respectfully request that the Commission rule that it is a Material Fact that this is the case. [Reference: § 1 of the Pennsylvania State Constitution]

#5. the Complainants (we) aver that the state government and its agencies are mandated to operate for the peace, safety, happiness (i.e. the well-being) of the residents of the state of Pennsylvania. The Smart Meter program, as it is currently being implemented in Pennsylvania, is contrary to the letter, intent, and spirit of this actual and fundamental state mandate. It imposes a flawed and costly device on Pennsylvania homeowners that has been shown to be a credible threat of harm, risky, unreliable, and insecure by reputable, respected, credentialed, unbiased, and independent experts, institutions, associations, and agencies, including but not limited to the WHO, the NIH, the ACS, the AAEM, et al. (Refer to all of Complainants (our) previous filings, Exhibits, and Supporting Documents.) And, Complainants (we) respectfully request that the Commission rule that it is a Material Fact that this is the case. [Reference: § 2 of the Pennsylvania State Constitution]

#6. the Complainants (we) aver that Smart Meters, such as the SK9AMI7 being deployed by Duquesne Light, record detailed data concerning the activities of the homeowner and dwellers in the home, and on the property. The breadth and granularity of the personal information that Smart Meters are capable of capturing enables a far more personal and revealing picture of a family or an individual, and their activities, than was available at any time in the past. The analysis technology available today is so sophisticated that it allows the correlation of Smart Meter signals and data with very specific activities in the home. This creates a level of intrusion into the privacy and sanctity of the home that is unprecedented and far reaching.

It places dwellers in the residence at risk, for example, of becoming involuntary and unwitting witnesses against themselves in any potential future legal proceeding specifically because of the Smart Meter data that is being collected. The courts have already expressed concern about new technology of this type eroding the constitutional protection of privacy.

As such, it compromises residents' privacy to an unprecedented degree, and infringes on residents' privacy rights and protections in the home. And, Complainants (we) respectfully request that the Commission rule that it is a Material Fact that this is the case. [Reference: The 4th Amendment of the US Constitution, and § 8 of the Pennsylvania State Constitution]

#7. in a program, or with a device, that is voluntary and optional, the enrollees intrinsically accept and assume the risks and consequences of participating in that program. In a program that is not voluntary, one that is imposed and mandated, and that is beyond the control of the involuntary participants, this is not the case. Such involuntary participants **are excluded and prevented from exercising their own "due diligence." "Caveat emptor" is negated.** Such involuntary participants have **no recourse and suffer all harmful consequences.**

As, Duquesne Light and the Commission are implementing a Smart Meter program which they say is mandated, though the letter of Act 129 and the stated intent of the Legislators of the General Assembly have established this presumption to be untrue, the Commission, and the Respondent Duquesne Light acting as an agent of the Commission, warrants the Complainants (us) against all harm done to our persons, possessions, and property due to, and as a consequence of, the installation of a Smart Meter that was unrequested and not agreed to. If this guarantee / indemnification is not provided, then Respondent concedes that the homeowner is being forced to assume all

risks associated with this device and program, which has been established by accredited and knowledgeable experts as being flawed, risky, and dangerous. And, as a consequence, homeowners and their family members are being placed in increased physical, non-physical, and legal jeopardy from a device that they, as a result of their own due diligence, would not purchase or utilize. And, Complainants (we) respectfully request that the Commission rule that it is a Material Fact that this is the case. [Reference: § 1, § 2, § 8, § 11, § 27 of the Pennsylvania State Constitution; 4th and 5th Amendments of the US Constitution]

#8. the Complainants (we) aver that, as residents of Pennsylvania, neither the Commonwealth nor any of its agencies can deny the rights and protections of any person, or deny any persons from exercising those rights in the protection of their lives, their health, their safety, their liberty, their family, and their home and property, or discriminate against any person in their exercise of their rights. And, Complainants (we) respectfully request that the Commission rule that it is a Material Fact that this is the case. [Reference: § 26 of the Pennsylvania State Constitution]

#9. the Complainants (we) aver that, as residents of Pennsylvania, we have a right to clean air and a natural environment. The World Health Organization (WHO), has declared, at a minimum, that the RF radiation being emitted from a Smart Meter, such as the Duquesne Light / Itron SK9AMI7 Smart Meter, to be a "Group 2B" class pollutant, such as lead, engine exhaust, and DDT. The National Institutes of Health (NIH), and others, have established that it damages DNA and causes cancer. The air and environment containing this RF radiation cannot be characterized as being clean and natural. Air and an environment containing RF pollution is not historic, is not natural, and is not clean. And, Complainants (we) respectfully request that the Commission rule that it is a Material Fact that this is the case. [Reference: § 27 of the Pennsylvania State Constitution]

#10. the justification given for the deployment of Smart Meters in a Smart Grid is that they represent a "municipal improvement" that is "for the public good." The General Assembly passed Act 129 which defined a voluntary Smart Meter program, which has been corroborated by the stated intention of the Legislators documented in the Legislative record. The Complainants (we) aver that the Implementation Order, as written, alters and interferes with the letter and intent of Act 129, and incorrectly designates and delegates the management and prosecution of this voluntary program as an involuntary one. And, Complainants (we) respectfully request that the Commission rule that it is a Material Fact that this is the case. [Reference: § 31 of the Pennsylvania State Constitution]

#11. the Respondent concedes that the SK9AMI7 Smart Meter that Duquesne Light wants to install on Complainants (our) residence acts as a communications hub and relay device to and from the other SK9AMI7 Smart Meters in their mesh grid. The Respondent Duquesne Light also acknowledges that it is providing no accommodation or compensation to us for the imposed use of our property as a communications hub and relay station for Duquesne Light, and that this "imposed use" is providing economic benefits to Duquesne Light to the detriment and at the expense of the Complainants (us). And, unless the Respondent can establish otherwise, Complainants (we) respectfully request that the Commission rule that it is a Material Fact that this is the case. [Reference: The 5th Amendment of the US Constitution.]

#12. the Complainants (we) aver that, as a Smart Meter has been established as emitting dangerous and harmful pulsed RF radiation by such respected public health agencies as the WHO, the NIH, et al, and the FCC requires a separation distance for safety, this denies the Complainants (us) safe access and utilization of areas of our property. If the Complainants (we) do continue to use those areas of the property after a Smart Meter has been installed, and come into close proximity of the Smart Meter on a regular basis,

then we are placing our health and safety at risk. As such, this is depriving Complainants (us) of our rights to life, liberty, and property. And, Complainants (we) respectfully request that the Commission rule that it is a Material Fact that this is the case. [Reference: The 5th and 14th Amendments of the US Constitution.]

#13. the Federal Energy Bills of 2005 and 2007 established a voluntary Federal Smart Meter program. These Federal laws stipulated that consumers must be offered a Smart Meter, which they have the right to refuse or accept. And, they also stipulated that consumers can request a Smart Meter, and can volunteer to opt-in to the Smart Grid, if they so desire, and the states must comply. This was the Smart Meter charter that the Federal government provided to the states, and it is a matter of record. The Pennsylvania General Assembly passed Act 129 in keeping with this voluntary Federal program. The Pennsylvania State Legislators who passed Act 129 stated categorically at the time of that passage that Smart Meters were not mandated, and that participation was voluntary. And, that is a matter of record as well. The Complainants (we) have never requested a Smart Meter, and have never volunteered to opt-into the Smart Grid, as is our right per the Federal charter and Act 129. And, Complainants (we) respectfully request that the Commission rule that it is a Material Fact that this is the case.

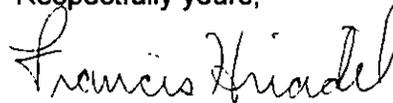
[Reference: The 14th Amendment of the US Constitution, etc.]

Complainants (we) aver that the rights, privileges, immunities, and protections afforded us as citizens of the United States and residents of the state of Pennsylvania cannot be ignored, dismissed, or denied. The Commission is legally and ethically bound to acknowledge, respect, and uphold them all, and to act in a manner that is in the best interest of the peace, health, safety, happiness, protection, and well-being of the people of Pennsylvania.

Complainants (we) reiterate 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 met the criteria for legal sufficiency, we have established a cognizable claim, and we have provided sufficient evidence that this is a matter that is in the public interest.

And, we respectfully request that the Commission grant our requested relief from a device that Complainants (we) never requested or agreed to pay for, per § 2807 (f) (2) (i) of Act 129; that is in violation of § 1501 of the Public Utility Code; and that violates a number of rights, privileges, immunities, and protections, enumerated here-in, that are afforded us as citizens of the United States and residents of Pennsylvania; and grant a Summary Judgment in our favor, and against the Respondent.

Respectfully yours,



Francis Hriadil
(412) 779-3314
331 Shady Ridge Drive
Monroeville, PA 15146
February 14, 2017

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHELE HRIADIL and
FRANCIS HRIADIL,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

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 14th day of February, 2017

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FEB 14 2017

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



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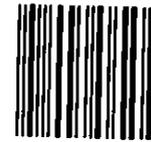
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